

LOG NUMBERS

BGT.

8/20/15 CEO 200547.71 AUG 24 2015

EXECUTIVE/COUNCIL APPROVAL FORM**MANAGEMENT ROUTING:**

EXECUTIVE John Lovick
 EXEC. DIRECTOR Lenda Crawford
 DIRECTOR/ELECTED Steve Thomsen, P.E. *ST*
 DEPARTMENT Public Works
 DIV. MGR. G. Farris/K. Kerwin *GF*
 DIVISION Surface Water Management
 ORIGINATOR G. Farris/K. Kerwin
 DATE 8/20/2015 EXT. 6454

TO: COUNCIL CHAIRPERSON
 SNOHOMISH COUNTY COUNCIL

EXECUTIVE RECOMMENDATION:

☒ Approve ☐ No Recommendation
☐ Further Processing
☐ Requested By

Lenda Crawford
 Executive Office Signature *Lenda Crawford* 8/24/15
 CEO Staff Review *Cep* 8/24/15
 Received at Council Office *CW 9:55D* 8/27/15

DOCUMENT TYPE:

☐ BUDGET ACTION:
☐ Emergency Appropriation
☐ Supplemental Appropriation
☐ Budget Transfer
☐ CONTRACT:
☐ New
☐ Amendment

☐ GRANT APPLICATION
☒ ORDINANCE
☐ Amendment to Ord. # _____
☐ PLAN
☐ OTHER

DOCUMENT / AGENDA TITLE:

An ordinance repealing and reenacting Title 25A SCC relating to water quality restoration and water quantity management pursuant to Snohomish County Charter Section 2.155.

APPROVAL AUTHORITY:

EXECUTIVE _____ COUNCIL ☒

CITE BASIS 36.89 RCW, 90.72 RCW, 2.155 Charter

HANDLING: NORMAL ☒ EXPEDITE _____ URGENT _____ DEADLINE DATE 11/18/2015

PURPOSE:

The ordinance reenacts Title 25A SCC by expanding the service area boundaries, extending the sunset date for the UGA service charge, amending handling of delinquent service charges and including other administrative changes.

BACKGROUND:

- SWM service charges are not collected in all areas of the unincorporated County, yet some County responsibilities, including NPDES and salmon recovery, apply countywide. Areas without a SWM service charge cannot receive SWM funded services.
- Revenue sources that have provided services in the past, like RPPT and REET, are either no longer available or reduced.
- Expansion of SWM service area boundaries by this ordinance and the companion ordinance for Title 25 SCC will provide consistent funding for services within all areas of unincorporated Snohomish County.
- The proposed expansion area for this ordinance includes the remainder of unincorporated Stillaguamish drainage basin that is not currently within the fee collection area, with the exception of the Stillaguamish Tribe reservation, and also includes the Sauk drainage basin.
- The additional UGA service charge sunsets on December 31, 2015. Extension of the UGA service charge another 6 years and amending the geographic expenditure limitation to conform to RCW 36.89 will provide continued funding to more fully meet the drainage needs of ratepayers in the UGAs.
- The proposed code revisions provide alternative methods to foreclosure that will provide for greater efficiency and cost effectiveness as well as an avenue where the County lacks legal authority for foreclosure.
- Lakefront residents subject to rates for aquatic plant control have requested an increase in rates to control milfoil.
- The ordinance reenacts Title 25 with additional administrative changes, including modifying the farm rate, adding additional representatives to the CWD Advisory Board and reorganizing the chapter.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
4153061111770 CWD 90.72 RCW Base	0	\$4,780	\$23,900
4153061111770 CWD 36.89 RCW Base	0	\$8,028	\$40,140
4153061111770 CWD UGA	0	\$1,294	\$6,470
4153061111770 CWD Roads	0	\$27,339	\$136,695
4153061111770 CWD Aquatic Plant	0	\$11,407	\$57,035
TOTAL	0	\$52,848	\$264,240

DEPARTMENT FISCAL IMPACT NOTES:

New revenue from the expansion of SWM boundaries is included in the 2016 submitted budget.

BUDGET REVIEW:

Analyst

Administrator

Recommend Approval

CONTRACT INFORMATION:

SWM Project Number: WO144-01

ORIGINAL

CONTRACT #

AMOUNT

AMENDMENT

CONTRACT #

AMOUNT

CONTRACT PERIOD:

ORIGINAL

Start

End

AMENDMENT

Start

End

CONTRACT / PROJECT TITLE:

CONTRACTOR NAME & ADDRESS (City/State only):

APPROVED:

RISK MANAGEMENT

Yes

No

N/A

COMMENTS

PROSECUTING ATTY - AS TO FORM:

Yes

No

OTHER DEPARTMENTAL REVIEW / COMMENTS:**ELECTRONIC ATTACHMENTS:**

G:\ECAF\Dept\06_pw\swm\Title25A_ordinance_ECAF.docx

G:\ECAF\Dept\06_pw\swm\Title25A_ordinance_AATF.pdf

G:\ECAF\Dept\06_pw\swm\Title25A_summary_notice.docx

G:\ECAF\Dept\06_pw\swm\Title25_25A_ordinance_report.docx

NON-ELECTRONIC ATTACHMENTS:

Title25A_ordinance_AATF

Title25A_summary_notice

Title25_25A_ordinance_report

1 Adopted: _____, 2015
2 Effective: _____, 2015
3

4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington
6

7 ORDINANCE NO. 15-____
8

9 REPEALING TITLE 25A OF THE SNOHOMISH COUNTY CODE AND ENACTING A
10 NEW TITLE 25A RELATING TO WATER QUALITY RESTORATION AND WATER
11 QUANTITY MANAGEMENT AND SERVICE CHARGES
12

13 WHEREAS, as authorized by chapter 36.89 RCW and chapter 90.72 RCW,
14 Title 25A of the Snohomish County Code (SCC) imposes charges for both water
15 quantity management services and water quality restoration services on real property
16 located within the clean water district and the former clean water district as provided for
17 therein; and
18

19 WHEREAS, the Snohomish County Council ("County Council") recognizes a
20 need to provide water quality restoration and water quantity (storm and surface water)
21 management services to all areas of unincorporated Snohomish County; and
22

23 WHEREAS, Snohomish County desires to create incentives to keep agricultural
24 lands in production for both crops and livestock; and
25

26 WHEREAS, the County Council recognizes the benefit of continuing special rates
27 and charges for properties in Urban Growth Areas (UGAs); and
28

29 WHEREAS, the County Council acknowledges that water quality and water
30 quantity (storm and surface water) management needs related to UGAs may not be
31 confined within the geographic boundary of UGAs; and
32

33 WHEREAS, the County Council desires to grant authority to the County
34 Treasurer to foreclose on delinquent property based on delinquent service charges,
35 where appropriate, and to grant alternative authority to the Department of Public Works
36 ("Public Works") to contract for the collection of delinquent service charges; and
37

38 WHEREAS, the County Council desires to grant signature authority to Public
39 Works for landowner agreements and drainage easements; and
40

41 WHEREAS, the County Council desires to amend deadlines for service charge
42 billing; and
43

1 WHEREAS, service charge rates dedicated to control of aquatic plants on Lake
2 Shoecraft and Lake Goodwin require adjustment to provide continued adequate funding
3 for invasive aquatic plant management; and
4

5 WHEREAS, the County Council recognizes that all geographic areas in the clean
6 water district should have representation on the advisory board established in chapter
7 25A.30 SCC; and
8

9 WHEREAS, the County Council recognizes the need to clearly define certain
10 terms to minimize the need for administrative procedures to interpret and administer
11 Title 25A SCC; and
12

13 WHEREAS, several minor code amendments and reorganization of certain code
14 sections to match the word order and language of Title 25 would improve the clarity and
15 administration of both titles;
16

17 WHEREAS, on _____, 2015, the County Council held a public hearing after
18 proper notice and considered public comment and the entire record related to the code
19 amendments contained in this ordinance, including the report dated July 1, 2015,
20 prepared by staff of Surface Water Management (SWM), a division of Public Works.
21

22 NOW, THEREFORE, BE IT ORDAINED:
23

24 Section 1. The County Council hereby adopts the foregoing recitals as findings
25 of fact and conclusions of law as if set forth in full herein.

26 Section 2. Snohomish County Code Title 25A, last amended by Ordinance No.
27 14-106 on December 17, 2014, is repealed.
28

29 Section 3. A new title is added to the Snohomish County Code to read:
30

31 **Title 25A**

32 **WATER QUALITY RESTORATION AND WATER QUANTITY MANAGEMENT**

33 **Chapters:**

34 **25A.05 General Provisions**

35 **25A.10 Definitions**

36 **25A.20 Charges for Water Quality Restoration and Water Quantity**
37 **Management Services**

38 **25A.30 Advisory Board**

Chapter 25A.05
GENERAL PROVISIONS

Sections:

- 25A.05.010 Purpose.
- 25A.05.020 Authority.
- 25A.05.030 Program established.
- 25A.05.040 Content of a watershed management plan.
- 25A.05.050 Liability.
- 25A.05.060 Severability.

25A.05.010 Purpose.

It is the purpose and intent of this title:

- (1) To establish a water quality restoration and storm and surface water (water quantity) management program for Snohomish County to be administered by the Snohomish County Department of Public Works;
- (2) To create a service area defined by ordinance to be known as the "clean water district";
- (3) To provide a comprehensive approach to managing surface water to respect and preserve the county's rivers, streams, lakes, and other water bodies; protect and restore water quality; control, accommodate, and discharge storm runoff; provide for groundwater recharge; control sediment; stabilize erosion; monitor water quality and stream flow; and rehabilitate stream and drainage corridors for hydraulics, aesthetics, and fisheries benefits;
- (4) To restore water quality in saltwater tidelands to allow the upgrading of conditionally approved, restricted, and prohibited shellfish beds;
- (5) To facilitate the preparation and implementation of comprehensive watershed action plans and watershed management plans;
- (6) To recognize that programs to restore water quality and manage storm and surface water (water quantity) will vary from watershed to watershed and that specific watershed management needs may be determined or refined when watershed action plans and watershed management plans are developed or revised; and
- (7) To foster interagency cooperation on water quality restoration and storm and surface water (water quantity) management issues because watersheds do not conform to political boundaries.

25A.05.020 Authority.

- (1) Pursuant to chapter 36.89 RCW, chapter 90.72 RCW, and the Snohomish County Home Rule Charter, Snohomish County is authorized to provide water quality restoration and storm and surface water (water quantity) management services throughout unincorporated Snohomish County and within its cities and towns for the benefit of all county residents.
- (2) Whenever necessary to examine the property characteristics of a particular parcel of real property for the determination of rates and charges, the director may enter said property or portion thereof at reasonable times in compliance with the following procedures:

1 (a) If such real property or portion thereof is occupied, the director shall present
2 identification credentials, state the reason for entry, and request entry.

3 (b) If such property or portion thereof is unoccupied, the director shall first make
4 a reasonable effort to locate the property owner or other persons having charge or
5 control of the real property or portion thereof, and request entry.

6 (c) Unless entry is consented to by the property owner or person in control of any
7 real property or portion thereof, the director, prior to entry, shall obtain a search warrant
8 as authorized by the laws of the state of Washington.

9 (3) The director shall have the authority to enter into an agreement or agreements
10 with any property owner for any lawful purpose under this title, including, but not limited
11 to, the creation and maintenance of drainage easements.

12 **25A.05.030 Program established.**

13 There is hereby established a water quality restoration and storm and surface water
14 (water quantity) management program to provide water quality restoration and storm
15 and surface water (water quantity) management services, facilities, and regulations
16 within Snohomish County. The program shall be administered by the Snohomish
17 County Department of Public Works. The program shall be described in the county's
18 budget and may include, but shall not be limited to, the following elements: preparing
19 and implementing watershed action plans, watershed management plans; complying
20 with federal, state, and local water quality regulations; developing and implementing
21 public involvement and education activities; performing water quality and stream flow
22 monitoring; developing, proposing, and analyzing policies and regulations; inventorying,
23 rehabilitating, and restoring drainage systems; investigating drainage problems;
24 planning, designing, establishing, acquiring, developing, constructing, maintaining, and
25 improving needed water quality and storm and surface water management facilities;
26 administering programs; imposing and collecting fees, rates, and charges; participating
27 in and expending revenue on cooperative management actions and watershed
28 management partnerships for purposes of water supply, water quality, and water
29 resource and habitat protection and management; receiving grants, loans, taxes, and
30 other revenues; and paying for or securing general obligation, councilmanic, or revenue
31 bonds issued for any such purposes.

32 **25A.05.040 Content of a watershed management plan.**

33 Each watershed management plan shall consist of a detailed analysis of a drainage
34 basin including, but not limited to, a comparison of the capabilities and needs for runoff
35 accommodation due to various combinations of development, land use, structural and
36 non-structural management, alternatives, and recommendations as to the form, location
37 and extent of quantity and quality control measures which would satisfy legal
38 constraints, water quality standards, and community standards. The plan shall also
39 identify the institutional and funding requirements for plan implementation.

40 **25A.05.050 Liability.**

41 Administration of this title shall not be construed to create the basis for any liability
42 on the part of the county, its appointed and elected officials, and employees while

ORDINANCE NO. 15-

REPEALING TITLE 25A OF THE SNOHOMISH COUNTY CODE AND ENACTING A NEW TITLE 25A
RELATING TO WATER QUALITY RESTORATION AND WATER QUANTITY MANAGEMENT AND
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working within the scope of their duties, for any action or inaction thereof authorized or done in connection with the implementation of this title.

25A.05.060 Severability.

If any provision of this title, or its application to any person or circumstances, is held invalid, the remainder of this title, or the application of the provisions to other persons or circumstances, shall not be affected.

**Chapter 25A.10
DEFINITIONS**

Sections:

25A.10.010	Application of definitions.
25A.10.020	Aquatic system.
25A.10.025	Clean water district.
25A.10.030	Commercial
25A.10.040	Commercial rainwater harvesting system.
25A.10.050	Developed real property.
25A.10.060	Director.
25A.10.070	Drainage basin.
25A.10.080	Farm.
25A.10.090	Former clean water district.
25A.10.100	Impervious surfaces.
25A.10.110	Improved.
25A.10.120	Land use classifications.
25A.10.130	Mean annual rainfall depth.
25A.10.140	Mean annual runoff volume.
25A.10.150	Mixed use property.
25A.10.160	Non-point source pollution.
25A.10.170	Non-residential and other use.
25A.10.180	Ordinary residential improvement.
25A.10.190	Property owner.
25A.10.200	Rates.
25A.10.210	Residential.
25A.10.220	Right-of-way.
25A.10.230	Service charges.
25A.10.240	Storm and surface water management facilities.
25A.10.250	Storm and surface water (water quantity) management services.
25A.10.260	Storm water.
25A.10.270	Surface water.
25A.10.280	Water quality management facilities.
25A.10.290	Water quality restoration services.
25A.10.300	Watershed.
25A.10.310	Watershed action plan or watershed management plan.

1 **25A.10.010 Application of definitions.**

2 Unless clearly stated otherwise, the definitions in this chapter apply throughout this
3 title.

4 **25A.10.020 Aquatic system.**

5 Puget Sound, bays, tidelands and other salt waters, rivers, streams, creeks, lakes,
6 marshes, wetlands and other inland waters.

7 **25A.10.025 Clean water district.**

8 (1) The clean water district shall consist of all properties in unincorporated
9 Snohomish County which are located within the following drainage basins or portions of
10 drainage basins as shown on the maps described in subsection (2) below. The clean
11 water district may also include properties within cities and towns lying within the
12 watersheds by interlocal agreement between the county and such cities or towns.

13 The clean water district is comprised of:

14 (a) Stillaguamish drainage basin except that portion lying within the boundary
15 of the Stillaguamish Tribe reservation.

16 (b) Skagit drainage basin.

17 (c) Port Susan drainages sub-basin of the Puget Sound drainage basin
18 except that portion lying within the boundary of the Tulalip Tribes reservation.

19 (d) The Tulalip sub-basin of the Snohomish drainage basin except that portion
20 lying within the boundary of the Tulalip Tribes reservation.

21 (2) The exact boundary of the clean water district shall be determined based on
22 topographic maps, storm drainage infrastructure maps, and parcel maps. Detailed maps
23 of the clean water district boundaries are available in the department of public works
24 and incorporated by reference herein. Where it is questionable whether or not a
25 particular property is located within the clean water district, the issue shall be
26 determined on a case by case basis by the director based on actual topographic and
27 hydrologic characteristics of the property at issue.

28 (3) Nothing in this chapter shall be interpreted as preventing adjustment of the clean
29 water district boundaries by legislative action at a later date.

30 **25A.10.030 Commercial.**

31 Any development or use of real property meeting the definition of “commercial
32 development” in SCC 30.91.C132 or the definition of “industrial development” in SCC
33 30.91I.035.

34 **25A.10.040 Commercial rainwater harvesting system**

35 A system for storing, collecting, and reusing rainwater from a rooftop, installed at a
36 commercial-use building, that has been designed and constructed in accordance with
37 the Washington State Building Code Council’s Permissive Rainwater Harvesting
38 System Guidelines for Non-residential Occupancies (2002 or as amended), has a
39 storage volume of at least ten percent of the mean annual runoff volume generated from
40 the contributing roof area, and for which design and construction has been approved by
41 the director of the department of planning and development services.

1 **25A.10.050 Developed real property.**

2 Real property characterized by the addition of impervious surfaces or removal of
3 native vegetation cover, changing the property from its natural condition. Also known as
4 improved.

5 **25A.10.060 Director.**

6 The director of the Snohomish County Department of Public Works or his or her
7 designee.

8 **25A.10.070 Drainage basin.**

9 The geographic region within which water drains into a particular aquatic system or
10 other body of water. Also known as a watershed.

11 **25A.10.080 Farm.**

12 Property assessed and taxed by the county as farm or agricultural use.

13 **25A.10.090 Former clean water district.**

14 (1) The former clean water district shall consist of all properties meeting the following
15 criteria: (a) the property is not currently located within the clean water district; (b) the
16 property was located within the clean water district prior to being annexed by or
17 incorporated into a municipal corporation; (c) debt service charges continue to be due
18 from the property pursuant to RCW 36.89.120; and (d) the municipal corporation in
19 which the property is now located has not entered into an agreement with the county for
20 full payment of the debt service charges required to be imposed by RCW 36.89.120, as
21 described in SCC 25A.20.030.

22 (2) The former clean water district shall include all properties meeting the definition
23 of the former clean water district that was located in the clean water district prior to
24 annexation or incorporation.

25 (3) Maps of historical clean water district boundaries are available in the department
26 of public works and incorporated by reference herein. The department of public works
27 also maintains maps of the current clean water district boundaries under SCC
28 25A.10.025(2). Where it is questionable whether or not a property is included in the
29 former clean water district and subject to the requirements of this title, inclusion shall be
30 determined on a case by case basis by the director.

31 **25A.10.100 Impervious surfaces.**

32 Hard surfaced areas which prevent or retard the entry of water into the soil mantle or
33 cause water to run off the surface in greater quantities or at an increased rate of flow
34 than under natural conditions. Common impervious surfaces include, but are not limited
35 to: rooftops; concrete or asphalt sidewalks, walkways, and paving; patio areas,
36 driveways, parking lots, and storage areas; and graveled, oiled or other surfaces which
37 similarly impede the natural infiltration of surface water or alter runoff patterns that
38 existed prior to development.

1 **25A.10.110 Improved.**

2 Real property characterized by the addition of impervious surfaces or removal of
3 native vegetation cover, changing the property from its natural condition.

4 **25A.10.120 Land use classifications.**

5 The type of development on a given parcel of land as indicated in the records of the
6 Snohomish County Assessor or as determined by inspections by the director. Land use
7 classifications are used to determine rate categories because they are indicators of
8 impervious surfaces and hydrologic intensity.

9 **25A.10.130 Mean annual rainfall depth.**

10 The mean annual rainfall depth as determined by information set forth in the
11 Stormwater Management Manual for Western Washington, Volume I, Appendix I-B:
12 2014 Update, (December 2014 or latest edition, Washington State Department of
13 Ecology Publication #14-10-055).

14 **25A.10.140 Mean annual runoff volume.**

15 The runoff volume calculated as the product of a specified area and the mean
16 annual rainfall depth, or the equivalent runoff volume statistic from that area calculated
17 by a continuous-simulation hydrologic model using long-term local rainfall records.

18 **25A.10.150 Mixed use property.**

19 Property on which a combination of residential, farm, commercial or other non-
20 residential uses exist.

21 **25A.10.160 Non-point source pollution.**

22 Pollution that enters storm and surface waters from dispersed sources (such as
23 surface runoff) rather than through pipes. Non-point sources include, but are not limited
24 to: forest practices, agricultural practices, onsite sewage disposal systems, developed
25 real property, motor vehicles, and recreational boats.

26 **25A.10.170 Non-residential and other use.**

27 Any development or use of real property that does not meet the definitions in SCC
28 25A.10.030, SCC 25A.10.080, SCC 25A.10.180, SCC 25A.10.210 or SCC 25A.10.220.

29 **25A.10.180 Ordinary residential improvement.**

30 Those structures and facilities that are commonly found with, and are incidental to,
31 the development and use of a single-family residence including, but not limited to,
32 garages, decks, driveways and serving utility systems.

33 **25A.10.190 Property owner.**

34 One or more persons or any legal entity that owns, or is designated to pay taxes,
35 fees and service charges on, or is empowered to grant access to or authorize and
36 approve maintenance of drainage facilities located on, any real property or portion
37 thereof.

1 **25A.10.200 Rates.**

2 The dollar amount charged per unit of surface area of real property, per parcel of
3 real property or per dwelling unit or ordinary residential improvement based upon the
4 land use classification and amount of impervious surface coverage for the
5 accommodation of water quality restoration and storm and surface water runoff and
6 other surface water management services.

7 **25A.10.210 Residential.**

8 Property characterized by dwelling units whose primary function is to be used as
9 single family housing with impervious surface coverage not in excess of 15,000 total
10 square feet per tax parcel. The class includes single family residences, condominiums
11 and mobile homes not in parks, and ordinary residential improvements. Single family
12 residences used for business purposes or for the storage of vehicles, equipment or junk
13 as defined by SCC 30.91J.010 are not considered residential. Apartments, hotels,
14 motels, mobile home parks, dormitories and group housing are not considered
15 residential.

16 **25A.10.220 Right-of-way.**

17 Public or private real property held for road or transportation purposes to allow for
18 the passage of people or goods, regardless of whether any road or transportation
19 improvement exists thereon or whether it is used, improved, or maintained for travel.

20 **25A.10.230 Service charges.**

21 Charges to property owners for water quality restoration and storm and surface
22 water (water quantity) management services.

23 **25A.10.240 Storm and surface water management facilities.**

24 Any facilities, improvements, developments, properties, aquatic systems, or interest
25 therein, made, constructed, or acquired for the purpose of controlling or protecting life or
26 property from storm, waste, flood, or surplus waters. Such facilities may include, but
27 shall not be limited to, the improvements and authority described in chapters 86.12,
28 86.13, and 86.15 RCW.

29 **25A.10.250 Storm and surface water (water quantity) management services.**

30 Any activity, routine, or project developed and implemented to comply with federal,
31 state, or local regulations and policies designed to minimize drainage problems. Such
32 services may include, but shall not be limited to those that: plan, design, regulate,
33 establish, acquire, develop, construct, maintain, and improve storm and surface water
34 management facilities; inventory, rehabilitate, and restore drainage systems; investigate
35 and address drainage problems; and collect and analyze stream flow data.

36 **25A.10.260 Storm water.**

37 Surplus waters generated from precipitation events like rain or snowmelt that flow
38 over land or impervious surfaces with little or no infiltration into the ground.

1 **25A.10.270 Surface water.**

2 Water from all sources that occurs on the earth's surface either as diffused water or
3 as water in natural channels, artificial channels or other surface water bodies and inland
4 waters including salt waters, lakes, ponds, wetlands, rivers, streams and creeks.

5 **25A.10.280 Water quality management facilities.**

6 Any facilities or systems, natural or built, that control, collect, store, treat, dispose, or
7 recycle wastewater, including but not limited to sanitary sewage, storm water,
8 residential waste, commercial wastes, industrial wastes, and agricultural wastes, that
9 are causing or threatening the degradation of subterranean or surface bodies of water
10 due to concentrations of conventional, nonconventional, or toxic pollutants.

11 **25A.10.290 Water quality restoration services.**

12 Any activity, routine, or project developed and implemented to comply with federal,
13 state, or local regulations and policies designed to protect surface water quality and
14 shellfish beds. Such services may include, but shall not be limited to those that: plan,
15 design, regulate, establish, acquire, develop, construct, maintain, and improve water
16 quality management facilities; regulate water quality; develop and implement watershed
17 and lake management plans, non-point source pollution prevention plans, and
18 comprehensive flood hazard management plans; develop and provide public
19 involvement and education; collect and analyze water quality data; implement,
20 encourage, and promote agricultural best management practices related to animal
21 grazing and manure management; and repair and promote the proper function of onsite
22 sewage systems.

23 **25A.10.300 Watershed.**

24 The geographic region within which water drains into a particular aquatic system or
25 other body of water. Also known as a drainage basin.

26 **25A.10.310 Watershed action plan or watershed management plan.**

27 A plan adopted by the county council, the department of ecology or the department of
28 public works for a specific watershed. A plan may include, but shall not be limited to,
29 voluntary, educational, structural, and regulatory approaches to source control program
30 strategies, program goals, and recommended actions. Such plans include, but are not
31 limited to, plans developed under the following authorities:

- 32 (1) Watershed plans developed under chapter 90.82 RCW;
33 (2) Salmon recovery plans developed under chapter 77.85 RCW;
34 (3) Watershed management elements of comprehensive land use plans developed
35 under the Growth Management Act, chapter 36.70A RCW;
36 (4) Watershed management elements of shoreline master programs developed
37 under the Shoreline Management Act, chapter 90.58 RCW;
38 (5) Nonpoint pollution action plans developed under the Puget Sound water quality
39 management planning authorities of chapter 90.71 RCW;
40 (6) Other comprehensive management plans addressing watershed health at a
41 WRIA level or sub-WRIA basin drainage level;

ORDINANCE NO. 15-

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- (7) A comprehensive drainage plan;
(8) A storm water plan; and
(9) Any combination of the foregoing plans in an integrated watershed management plan.

Chapter 25A.20
CHARGES FOR WATER QUALITY RESTORATION AND WATER QUANTITY
MANAGEMENT SERVICES

Sections:

- 25A.20.010 Applicability.
25A.20.020 Rate structure for the clean water district.
25A.20.030 Bond debt service allocable to the former clean water district.
25A.20.040 Rate structure for the former clean water district.
25A.20.050 Service charges for aquatic plant control.
25A.20.060 Service charges for Lake Ketchum restoration.
25A.20.070 Exemptions and reductions.
25A.20.080 Credits.
25A.20.090 Billing.
25A.20.100 Billing errors.
25A.20.110 Rate adjustments and appeals.
25A.20.120 Delinquent service charges imposed under the authority of chapter 36.89 RCW.
25A.20.125 Delinquent service charges imposed under the authority of chapter 90.72 RCW.
25A.20.130 Waiver of interest and penalties.
25A.20.140 Special operating funds.
25A.20.150 Administrative procedures.

25A.20.010 Applicability.

The requirements of this chapter shall apply to all real property located within the clean water district and the former clean water district.

25A.20.020 Rate structure for the clean water district.

(1) The director shall assign all developed real property located in the clean water district to service charge rate categories according to the land use classification and degree of impervious surface coverage of the real property. The "Index of Land Use Classifications and Rate Categories" dated January 8, 2002, or any revision thereafter compiled by the director, is available in the department of public works and incorporated by this reference. When assigning real property to appropriate service charge rate categories, if portions of any tax parcel or legal lot have been placed into separate taxation categories by the county assessor, the director shall treat each of those separate portions of the tax parcel or legal lot as separate properties and assign an appropriate service charge rate category to each. When assigning the real property to

appropriate service charge rate categories, if the property exhibits mixed use, the director shall assign the rate category based on the use associated with the majority of the impervious surface area on the real property or portion thereof.

(2) Except as provided in SCC 25A.20.070, SCC 25A.20.080, and SCC 25A.20.100, developed real property in the clean water district shall be subject to annual service charges as follows:

Table 25A.20.020(2)(a)

Annual Service Charge for Residential and Farm

Rate Category	Impervious Surface Coverage	Annual Charge RCW 90.72	Annual Charge RCW 36.89	Total Annual Service Charge
Single Family Residential	N/A	\$22.45 per dwelling unit	\$67.55 per dwelling unit	\$90.00 per dwelling unit
Condominium	N/A	\$20.20 per dwelling unit	\$60.80 per dwelling unit	\$81.00 per dwelling unit
Farm	N/A	\$22.45 per parcel	\$67.55 per parcel	\$90.00 per parcel

Table 25A.20.020(2)(b)

Commercial, Non-residential and Other Uses

Rate Category	Impervious Surface Coverage	Annual Charge RCW 90.72	Annual Charge RCW 36.89	Total Annual Service Charge
Exempt	Less than 1%	\$0.00	\$0.00	\$0.00
Very Light	1% to 19%	\$6.73 per quarter acre	\$20.26 per quarter acre	\$26.99 per quarter acre
Light	20% to 39%	\$22.45 per quarter acre	\$67.55 per quarter acre	\$90.00 per quarter acre
Moderate	40% to 59%	\$37.40 per quarter acre	\$112.55 per quarter acre	\$149.95 per quarter acre
Heavy	60% to 79%	\$50.87 per quarter acre	\$153.10 per quarter acre	\$203.97 per quarter acre
Very Heavy	80% to 100%	\$67.33 per quarter acre	\$202.64 per quarter acre	\$269.97 per quarter acre

(3) From the funds collected under the authority of chapter 90.72 RCW:

(a) 33.0 % shall be allocated to reduce water pollution that is generated by sources within the jurisdiction of the Snohomish Conservation District. Snohomish County shall use this allocation of funds to contract with the Snohomish Conservation District to perform services that reduce these sources of water pollution.

(b) 59.1 % shall be allocated to other water quality restoration services administered by the department of public works.

(c) 7.9 % shall be allocated to specific local water quality restoration projects administered by the department of public works that have been recommended by the advisory board established under chapter 25A.30 SCC.

(4) For the period beginning January 1, 2016, and ending December 31, 2021, the annual service charge for developed real property located in those portions of the clean water district within urban growth areas shall be based on the rates set forth in subsection (2) above, plus the following amounts:

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Table 25A.20.020(4)

Annual Surcharge for Urban Growth Areas

Rate Category	Additional Annual Urban Growth Area Service Charge RCW 36.89
Single Family Residential	\$32.00 per dwelling unit
Condominium	\$28.80 per dwelling unit
Farm	\$32.00 per parcel
Exempt	No charge
Very Light	\$9.60 per quarter acre
Light	\$32.00 per quarter acre
Moderate	\$53.32 per quarter acre
Heavy	\$72.52 per quarter acre
Very Heavy	\$95.99 per quarter acre

(a) The service charges established in subsection (2) above represent the base rate. All service charges collected under this subsection (4), less the base rate applicable each year, shall be used solely for surface water management projects related to impacts originating from or providing benefit to those portions of the clean water district within urban growth areas.

(b) The first priority for expenditure of service charges collected under this subsection shall be capital projects as listed in the surface water management annual construction program.

25A.20.030 Bond debt service allocable to the former clean water district.

As provided in RCW 36.89.120, whenever a city or town annexes an area, or a city or town incorporates an area, and the county has issued revenue bonds or general obligation bonds to finance storm and surface water management facilities that are payable in whole or in part from rates or charges imposed in the area, the county shall continue imposing all portions of the rates or charges that are allocated to payment of the debt service on bonds in that area after the effective date of the annexation or official date of the incorporation until: (1) The debt is retired; (2) any debt that is issued to refinance the underlying debt is retired; or (3) the city or town reimburses the county an amount that is sufficient to retire that portion of the debt borne by the annexed or incorporated area. The county shall construct all facilities included in the storm and surface water management plan intended to be financed by the proceeds of such bonds. If the county provides storm and surface water management services to the city or town by contract, the contract shall consider the value of payments made by property owners to the county for the payment of debt service. The rates to be charged under this section are provided in SCC 25A.20.040.

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25A.20.040 Rate structure for the former clean water district.

(1) The director shall assign all developed real property located in the former clean water district to service charge rate categories according to the land use classification and degree of impervious surface coverage of the real property. The "Index of Land Use Classifications and Rate Categories" dated January 8, 2002, or any revision thereafter compiled by the director, is available in the department of public works and incorporated by this reference. When assigning real property to appropriate service charge rate categories, if portions of any tax parcel or legal lot have been placed into separate taxation categories by the county assessor, the director shall treat each of those separate portions of the tax parcel or legal lot as separate properties and assign an appropriate service charge rate category to each. When assigning the real property to appropriate service charge rate categories, if the property exhibits mixed use, the director shall assign the rate category based on the use associated with the majority of the impervious surface area on the real property.

(2) All charges imposed by this section are imposed under the authority of chapter 36.89 RCW and not under the authority of chapter 90.72 RCW.

(3) Except as provided in SCC 25A.20.070(1) through (3) and SCC 25A.20.100, all developed real property located in the former clean water district shall be subject to the following annual service charges for bond debt payment under RCW 36.89.120:

Table 25A.20.040(3)

Annual Service Charge for the Former Clean Water District

Rate Category	Rate (RCW 36.89 charge)
Single Family Residential	\$13.87 per dwelling unit
Condominium	\$12.48 per dwelling unit
Farm	\$13.87 per parcel
Exempt	No charge
Very Light	\$4.16 per quarter acre
Light	\$13.87 per quarter acre
Moderate	\$23.12 per quarter acre
Heavy	\$31.45 per quarter acre
Very Heavy	\$41.60 per quarter acre

(4) A reasonable administrative fee in an amount sufficient to reimburse the county for its actual, reasonable costs of performing administrative functions related to the service charges shall be added to the amount charged.

(5) Rights-of-way owned by the state shall be subject to annual service charges to the extent permitted by law.

(6) Service charges collected under this section shall be used solely for purposes permitted by RCW 36.89.120.

25A.20.050 Service charges for aquatic plant control.

(1) In addition to the annual service charges established in SCC 25A.20.020, each tax parcel abutting the shore of Lake Goodwin or Lake Shoecraft shall be subject to an additional annual water quality restoration service charge for the purpose of managing and controlling invasive aquatic plants.

(2) For the period beginning January 1, 2015, and ending December 31, 2019, the rate categories and additional annual service charges for real property abutting Lake Goodwin or Lake Shoecraft shall be as follows:

Table 25A.20.050(2)

Annual Service Charge for Aquatic Plant Control

Rate Category	Annual Service Charge
Single Family Residential	\$60.00 per parcel
Undeveloped	\$60.00 per parcel
Community Beach Lot	\$12.00 per parcel
Public and Semi-public Recreation	\$0.35 per foot of lake frontage

(3) The single family rate category or the undeveloped rate category applies to each lake front land parcel classified by the Snohomish County Assessor as either single family residential or undeveloped, respectively. The community beach rate category applies to each land parcel having an undivided ownership interest in a lake front parcel used for common beach access. The public and semi-public recreation rate category applies to lake front parcels classified by the Snohomish County Assessor as resorts, recreational activities, camping activities, or parks, as well as other publicly owned recreational parcels. Lake front parcels are defined as land parcels abutting the lake shore.

(4) All service charges collected under this section shall be used solely for management and control of non-native invasive aquatic plants in Lake Goodwin and Lake Shoecraft.

(5) A detailed map of the tax parcels subject to the additional service charges established in this section is available in the department of public works and incorporated herein by this reference.

25A.20.060 Service charges for Lake Ketchum restoration.

(1) In addition to the annual service charges established in SCC 25A.20.020, all real property abutting the shore of Lake Ketchum shall be subject to an additional annual service charge for the purpose of managing and controlling blue-green and toxic algae blooms and phosphorus pollution in Lake Ketchum.

(2) For the period beginning January 1, 2014, and ending December 31, 2018, the rate categories and additional annual service charges for real property abutting Lake Ketchum shall be as follows:

Table 25A.20.060(2)

Annual Service Charge for Lake Ketchum Restoration

Rate Category	Annual Service Charge
Lake Front	\$150.00 per parcel of real property abutting the shoreline of Lake Ketchum
Community Beach Lot	\$30.00 per parcel of real property with an undivided ownership interest in lake front real property used for common beach access

(3) All service charges collected under this section shall be used solely for the management and control of blue-green and toxic algae blooms and phosphorus pollution in Lake Ketchum.

(4) A detailed map of the real property subject to the additional service charges established in this section is available in the department of public works and incorporated herein by this reference.

25A.20.070 Exemptions and reductions.

(1) The following types of real property shall be exempt from annual service charges:

(a) Real property that is owned by, and is the personal residence of, a person or persons approved by the county assessor for a senior citizen or disabled persons property tax exemption under RCW 84.36.381.

(b) Real property that is owned by a "public benefit nonprofit corporation," as defined by RCW 24.03.490, and is used as a cemetery, provided the real property does not discharge storm water off site through constructed conveyance facilities and a 50-foot vegetated buffer is maintained on the property along any water body that drains to a fish bearing stream or lake.

(c) Real property taxed as forest land under chapter 84.33 RCW, as timber land under chapter 84.34 RCW, or as open space land under chapter 84.34 RCW.

(2) The rate charged for right-of-way owned by the state shall be 30 percent of the rate for comparable real property in terms of impervious surface coverage, or as otherwise provided by RCW 90.03.525.

(3) Service charges imposed on rights-of-way owned by the county or a municipality under authority of chapter 36.89 RCW shall be at the same rate as the rate for comparable real property in terms of impervious surface coverage, except that the director may determine that up to 70 percent of the amount due can be paid through in kind services, as provided in RCW 36.89.085. In kind services include, but are not limited to, the construction, operation, and maintenance of storm and surface water management facilities designed to control surface water or storm water runoff.

(4) The rate charged for real property with a commercial rainwater harvesting system shall be reduced from the rate set out in this chapter by a fraction equal to the storage

1 volume of the rainwater harvesting system divided by the mean annual runoff volume
2 generated by the total impervious surface area of the property.

3 (5) Pursuant to RCW 90.72.070, a dairy animal feeding operation with a certified
4 dairy nutrient management plan as required in chapter 90.64 RCW and any other
5 commercial agricultural operation on agricultural lands as defined in RCW 36.70A.030
6 shall be subject to service charges imposed pursuant to chapter 90.72 RCW of no more
7 than \$500.00 in a calendar year.

8 (6) For real property located in the clean water district, if all or any portion of the
9 real property is regulated by a valid and active permit issued by the Washington State
10 Department of Ecology or the federal Environmental Protection Agency pursuant to the
11 National Pollutant Discharge Elimination System (NPDES) permit program established
12 by the federal Clean Water Act, codified at 33 U.S.C. 1251 et seq., then said real
13 property shall be exempt from all charges imposed pursuant to chapter 90.72 RCW.
14 The property owner requesting a rate adjustment under this subsection (6) shall provide
15 the director with sufficient documentation to verify that the real property at issue is
16 subject to a valid NPDES permit. The property owner shall also provide the director with
17 written notice promptly upon the expiration of or other termination of coverage under the
18 NPDES permit.

19 **25A.20.080 Credits.**

20 Real property located in the clean water district may be eligible for reductions in
21 service charges as described below:

22 (1) For real property having a rate category of light, moderate, heavy, or very heavy,
23 the rate category shall be reduced one category if the storm water runoff discharges into
24 an onsite storm and surface water management facility built to comply with the
25 detention and water quality regulations and standards set forth in chapter 30.63A SCC,
26 and said facility is adequately operated and maintained by the property owner.

27 (2) For real property having a rate category of light, moderate, heavy, or very heavy,
28 the rate category shall be reduced one category if the site contains wholly or partly, an
29 aquatic system that complies with the detention and water quality regulations and
30 standards set forth in chapter 30.63A SCC, and said aquatic system is maintained in its
31 natural state by the property owner.

32 (3) For real property located in the clean water district, if all or any portion of the real
33 property is regulated by a valid and active permit issued by the Washington State
34 Department of Ecology or the federal Environmental Protection Agency pursuant to the
35 National Pollutant Discharge Elimination System permit program established by the
36 federal Clean Water Act, codified at 33 U.S.C. § 1251 et seq., then the portion of the
37 annual service charges imposed pursuant to SCC 25A.20.020(2) under authority of
38 chapter 36.89 RCW shall be reduced by 13.33% and the portion of the annual service
39 charges imposed pursuant to SCC 25A.20.020(4), SCC 25A.20.050 and SCC
40 25A.20.060 under authority of chapter 36.89 RCW shall be reduced by 35%. This rate
41 adjustment shall not be available to real property that is right-of-way owned by a
42 municipality, the county or the state subject to the rates provided in SCC 25A.20.070(2)
43 or SCC 25A.20.070(3). The property owner requesting a rate adjustment under this
44 subsection (3) shall provide the director with sufficient documentation to verify that the

1 real property at issue is subject to a valid NPDES permit. The property owner shall also
2 provide the director with written notice promptly upon the expiration of or other
3 termination of coverage under the NPDES permit.

4 (4) Public and private schools that provide water quality or watershed instruction
5 approved by the director shall be given credit equal to the dollar value of the instruction
6 offered. This credit shall be applied against the annual service charge billed under the
7 authority of chapter 90.72 RCW and chapter 36.89 RCW. This annual credit shall not
8 exceed the annual service charge authorized by chapter 90.72 RCW and chapter 36.89
9 RCW.

10 (5) Pursuant to RCW 85.38.160, real property within diking, drainage, or flood
11 control districts shall be given a credit equal to the dollar value of the annual special
12 district assessment. This credit shall be applied against the annual service charge billed
13 under the authority of chapter 36.89 RCW. This annual credit shall not exceed the
14 annual service charge authorized by chapter 36.89 RCW.

15 (6) For real property located in a diking, drainage, or flood control district which has
16 an annual surface water pollution prevention work plan approved by the director, a
17 credit equal to the dollar value of the pollution prevention work performed shall be
18 provided. This credit shall be applied against the annual service charge billed to the real
19 property under the authority of chapter 90.72 RCW. This annual credit shall not exceed
20 the annual service charge authorized by chapter 90.72 RCW.

21 (7) Except for automatic credits granted pursuant to subsections (3) and (5) above,
22 credits granted under this section shall be subject to renewal every two years in
23 accordance with administrative procedures developed by the director pursuant to SCC
24 25A.20.150.

25 **25A.20.090 Billing.**

26 (1) All real property subject to service charges shall be charged annually on January
27 1st based upon the rate categories and property characteristics then applicable to the
28 real property and at the rates set forth in SCC 25A.20.020, SCC 25A.20.040, SCC
29 25A.20.050, and SCC 25A.20.060.

30 (2) To minimize administrative costs, where feasible, the billing statement for service
31 charges imposed under this title shall be included on the annual property tax statement
32 for the real property at issue. To further reduce administrative costs, the director may
33 use alternative billing systems for the purposes of billing local, state and federal
34 government agencies. The director may elect to use alternative billing methods for the
35 purpose of billing other property owners with real property in the clean water district or
36 the former clean water district where alternative methods provide for greater
37 administrative convenience.

38 (3) All service charges billed on the annual property tax statement shall be due and
39 payable on or before the 30th day of April and, except as provided in this section, shall
40 be delinquent after that date. If one-half of the service charge owed is paid on or before
41 the 30th day of April, the remainder of such service charge shall be due and payable on
42 or before the 31st day of October following and shall be delinquent after that date.
43 Service charges billed under alternative methods shall be due within the calendar year
44 in which they are billed on such date as set by the director.

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REPEALING TITLE 25A OF THE SNOHOMISH COUNTY CODE AND ENACTING A NEW TITLE 25A
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(4) If a payment is received in conjunction with a combined property tax and service charge, and the payment is less than the sum of the total property tax plus the total service charge, or less than the sum of one-half of the property tax plus one-half of the service charge, and unless otherwise specified by the owner of the real property at issue, the payment shall be applied first to the annual property tax due for the real property, pursuant to the provisions of chapter 84.56 RCW, and any remaining amount to the service charge due for the real property.

25A.20.100 Billing errors.

If there is an error in billing, such as a mistake regarding the acreage, impervious surface coverage, watershed boundary, rate category, or land use classification of the real property at issue, the director shall correct the error. Refunds, if any, shall be in accordance with SCC 25A.20.110(4).

25A.20.110 Rate adjustments and appeals.

(1) Any person receiving a billing statement for water quality restoration and storm and surface water (water quantity) management service charges pursuant to SCC 25A.20.020, SCC 25A.20.050, or SCC 25A.20.060 and making a timely payment thereof, may apply to the director for a rate adjustment based on any of the circumstances listed in SCC 25A.20.070, SCC 25A.20.080, or SCC 25A.20.100.

(2) Any person receiving a billing statement for water quality restoration and storm and surface water (water quantity) management service charges pursuant to SCC 25A.20.040 and making a timely payment thereof, may apply to the director for a rate adjustment based on any of the circumstances listed in SCC 25A.20.070(1) through (3) or SCC 25A.20.100.

(3) Application for rate adjustments shall be made to the director. The burden of proof shall be on the applicant to show that the rate adjustment sought should be granted. The director shall make a written decision on an application for rate adjustment within 60 days after receipt of the application, except when additional information is needed in which case the director shall provide the applicant with an estimated timeline for a written decision. The estimate shall be based on reasonable limits for obtaining the required information to render a decision. In the event that the applicant does not provide the additional information needed, the director will notify the applicant that the application is cancelled. The director may also initiate a rate adjustment or correct a billing error for a property at any time when new information becomes available to the director.

(4) Applications for rate adjustments submitted pursuant to SCC 25A.20.100 must be submitted within three years of the date of payment of the water quality restoration and water quantity management service charges. Applications for rate adjustments submitted pursuant to SCC 25A.20.070 or SCC 25A.20.080 must be made by April 30th to be effective for the current billing year. Applications for rate adjustments submitted pursuant to SCC 25A.20.070 or SCC 25A.20.080 received after April 30th shall only be effective for subsequent years. If the director grants an adjustment which reduces the service charge for the current year, or, for requests submitted pursuant to SCC 25A.20.100 only, for up to three prior years, the applicant shall be refunded the amount

overpaid with interest at the rate specified in RCW 84.69.100, as set forth in WAC 458-18-220 or any successor regulation thereto. If the director determines that an adjustment should be made which increases the service charge for the current year, an amended bill shall be issued and the applicant shall submit the additional amount due within 30 days of the notice of additional service charge.

(5) Any person eligible for the low income senior citizen or disabled persons exemption from service charges under SCC 25A.20.070(1)(a) shall be provided a refund of annual service charges for the subject property for the current year and up to three prior years when eligibility for each year has been approved by the assessor's office.

(6) Except for requests submitted pursuant to SCC 25A.20.070(1)(a) and SCC 25A.20.100, rate adjustments shall not be retroactive and are subject to renewal every two years.

(7) Decisions of the director on applications for rate adjustments shall be in writing and shall be final.

25A.20.120 Delinquent service charges imposed under the authority of chapter 36.89 RCW.

(1) Service charges imposed by this title under the authority of RCW 36.89 that remain unpaid in whole or in part, when due pursuant to SCC 25A.20.090, shall be considered delinquent.

(2) Service charges, or any portions thereof, which become delinquent under subsection (1) above, shall bear interest at the rate of 12 percent per annum computed on a monthly basis from the date of delinquency until paid, as provided by RCW 84.56.020(5).

(3) As provided in RCW 84.56.020(5), penalties shall be imposed upon service charges, or portions thereof, that become delinquent under subsection (1) above as follows:

(a) A penalty of 3 percent of the amount delinquent shall be imposed on any service charges, or portions thereof, that are delinquent on June 1st of the year in which the service charges are due.

(b) An additional penalty of 8 percent of the amount delinquent shall be imposed on any service charges, or portions thereof, that are delinquent on December 1st of the year in which the service charges are due.

(4) As provided by RCW 84.60.010, service charges, or portions thereof, that become delinquent under subsection (1) above, including interest and penalties, shall constitute a lien against the real property upon which they are imposed. As provided by RCW 84.60.020, such lien shall attach on the first day of January in the year in which the service charges are assessed and shall continue until the service charges, including any interest and penalties, are paid in full. The county's lien for delinquent service charges shall be superior to all other liens and encumbrances except general taxes and local and special assessments.

(5) As provided in RCW 84.64.050, after the expiration of three years from the date on which service charges, or portions thereof, become delinquent under subsection (1) above, the county treasurer shall foreclose the liens arising pursuant to this section in

1 the county's annual tax foreclosure action under chapter 84.64 RCW. Costs of
2 collection and foreclosure shall be included in the amount of the lien. Approval by the
3 county council shall be required prior to any foreclosure action taken by the county
4 treasurer which involves only delinquent charges under subsection (1) above. The
5 department shall provide such approval to the county treasurer by February 1st of the
6 foreclosure year. The department shall reimburse the county treasurer for the
7 department's share of all costs incurred from collection and/or foreclosure under this
8 section.

9 (6) When the county treasurer does not take foreclosure action pursuant to
10 subsection (5) above, the director shall take any and all lawful means to collect the
11 delinquent service charge, or portions thereof, that become delinquent under subsection
12 (1) above. The amount collected shall include all accrued interest and penalties, as well
13 as the costs of collection.

14 (7) Nothing herein shall be deemed to require the county treasurer to foreclose on a
15 lien created hereunder in a manner that is more frequent or inconsistent with other lien
16 foreclosure procedures and the costs related thereto.

17 **25A.20.125 Delinquent service charges imposed under the authority of**
18 **chapter 90.72 RCW.**

19 (1) Service charges imposed by this title under the authority of chapter 90.72 RCW
20 that remain unpaid, in whole or in part, when due pursuant to SCC 25A.20.090 shall be
21 considered delinquent.

22 (2) Service charges, or any portions thereof, which become delinquent under
23 subsection (1) above shall bear interest at the rate of 12 percent per annum computed
24 on a monthly basis from the date of delinquency until paid.

25 (3) Penalties shall be imposed on service charges, or portions thereof, that become
26 delinquent under subsection (1) above as follows:

27 (a) A penalty of 3 percent of the amount delinquent shall be imposed on any
28 service charges, or portions thereof, that are delinquent on June 1st of the year in which
29 the service charges are due.

30 (b) An additional penalty of 8 percent of the amount delinquent shall be imposed
31 on any service charges, or portions thereof, that are delinquent on December 1st of the
32 year in which the service charges are due.

33 (4) The director shall take any and all lawful action to collect service charges, or
34 portions thereof, that become delinquent under subsection (1) above. The amount
35 collected shall include any accrued interest and penalty, as well as the costs of
36 collection.

37 **25A.20.130 Waiver of interest and penalties.**

38 The director may waive interest and penalties on service charges, or portions
39 thereof, which become delinquent under SCC 25A.20.120(1) or SCC 25A.20.125 under
40 any of the following conditions:

41 (1) As provided by RCW 84.56.025.

42 (2) When the property owner does not receive a service charge billing due to
43 incorrect address information in county records.

(3) As part of a lawful collection action by the director upon consideration of the following criteria:

- (a) The property owner's ability to pay;
- (b) The ability of the county to collect the delinquency; and
- (c) The cost to the department in collection efforts.

25A.20.140 Special operating funds.

(1) All service charges collected from the clean water district under the authority of chapter 36.89 RCW shall be deposited in a sub-fund within the special fund established by SCC 25.20.140 and held by the department of finance. This sub-fund shall be used for the purposes of providing water quality restoration and storm and surface water (water quantity) management services.

(2) All service charges collected from the former clean water district shall be deposited in a sub-fund within the special fund established by SCC 25.20.140 and held by the department of finance. The funds collected from the former clean water district shall be used only for purposes permitted by RCW 36.89.120.

(3) A special fund is hereby created, to be held by the department of finance, into which shall be deposited all service charges collected under the authority of chapter 90.72 RCW. These funds shall be used only for the purposes of restoring water quality in accordance with chapter 90.72 RCW.

25A.20.150 Administrative procedures.

Pursuant to chapter 2.68 SCC, the director is authorized to develop administrative procedures relating to the provisions of this title.

**Chapter 25A.30
ADVISORY BOARD**

Sections:

- 25A.30.010 Applicability.
- 25A.30.020 Purpose.
- 25A.30.030 Authority and responsibility.
- 25A.30.040 Advisory board composition.
- 25A.30.050 Nominations, appointments, and terms.
- 25A.30.060 Organization.

25A.30.010 Applicability.

The requirements of this chapter shall apply to the clean water district as defined in SCC 25A.10.025.

25A.30.020 Purpose.

Pursuant to RCW 90.72.030, the clean water district advisory board is hereby created. The board shall make recommendations to the Snohomish County Department of Public Works and the Snohomish County Council, the Snohomish Conservation District and its board, and any other agency or entity obligated by interlocal agreement

1 or contract to provide water quality restoration and storm and surface water (water
2 quantity) management services within the clean water district, and any diking, drainage,
3 or flood control district within the clean water district with an annual surface water
4 pollution prevention work plan approved by the director. However, nothing in the
5 advisory board's recommendation shall prevent the director from developing his/her
6 own recommendation to the county council.

7 **25A.30.030 Authority and responsibility.**

8 The clean water district advisory board shall review the annual work plans of the
9 surface water division of the Snohomish County Public Works Department, each agency
10 or entity obligated by interlocal agreement or contract to provide water quality
11 restoration and storm and surface water (water quantity) management services within
12 the clean water district, and each diking, drainage, or flood control district within the
13 clean water district with an annual surface water pollution prevention work plan
14 approved by the director. The board shall make its recommendations to the above
15 entities by May 31st of each year and to the respective legislative authorities by October
16 31st of each year. Recommendations shall pertain to the funding levels and priorities of
17 all water quality restoration and storm and surface water (water quantity) management
18 programs, water quality management facilities, water quality restoration services, storm
19 and surface water management facilities, and storm and surface water (water quantity)
20 management services within the clean water district.

21 **25A.30.040 Advisory board composition.**

22 (1) The clean water district advisory board shall be composed of:

23 (a) Five positions which shall be for property owners of the clean water district
24 who are rate payers from the single family rate category. One of each such position
25 shall be from each of the geographic areas listed in SCC 25A.10.025(1) and one
26 position such position shall be from the shore of any lake within the clean water district.
27 If an insufficient number of applicants are available for board membership using this
28 selection method, the director shall recommend for appointment any interested and
29 qualified resident from the single family rate payer category.

30 (b) One position which shall be for a property owner, or their designated
31 representative, of the clean water district who is a rate payer from the farm rate
32 category.

33 (c) One position which shall be for a property owner, or their designated
34 representative, of the clean water district who is a rate payer from any one of the
35 commercial, non-residential and other use rate categories.

36 (d) The Stillaguamish Flood Control District and Drainage and Diking Improvement
37 District #7 shall each be entitled to one position to be filled by a representative of the
38 district.

39 (e) Three positions which shall be for board members at large meeting the
40 requirements of SCC 2.03.060(3).

41 (f) Each city adjoining the clean water district that has an interlocal agreement
42 with the county for cooperation on water resource issues shall be entitled to one
43 position for a city representative.

(g) One position for a representative from each of the following: the Stillaguamish Tribe, the Tulalip Tribes, the Washington State Department of Fish and Wildlife, and the Snohomish Conservation District.

(h) One position for a Snohomish Health District representative.

(i) One position for a Washington State Department of Ecology representative.

(2) Staff members representing agencies receiving district funds as specified in SCC 25A.20.020(3) shall be present at all board meetings.

25A.30.050 Nominations, appointments, and terms.

(1) The director shall develop a pool of applicants for the rate payer and at large positions by advertising vacancies in the county's newspaper of record. The director is encouraged to use other reasonable means to recruit other interested applicants. The director shall recommend and the county executive shall nominate candidates for the rate payer and at large positions.

(2) Each agency or entity shall submit at least one candidate from its organization to the director. The director shall recommend and the county executive shall nominate candidates for the agency and entity positions.

(3) The Snohomish county council shall confirm or reject board members nominated by the county executive in accordance with Snohomish county charter section 2.20(6). Terms shall be in accordance with SCC 2.03.050.

25A.30.060 Organization.

At its first meeting and annually thereafter, the board shall organize by electing a chairperson and vice chairperson, each to serve for one year. The board shall adopt bylaws to govern its other internal affairs.

Section 4. Effective date. This ordinance shall take effect January 1, 2016.

Section 5. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

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1
2 PASSED this ____ day of _____, 2015.
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6 ATTEST:

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

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8 _____
9 Clerk of the Council

Council Chairperson

10
11 () APPROVED

12
13 () EMERGENCY

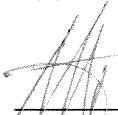
14
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17 DATE: _____
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22 ATTEST: _____
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County Executive

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26
27 Approved as to form only:

28
29  9/22/15
30 _____
31 Deputy Prosecuting Attorney



**Snohomish County
Public Works**


M E M O R A N D U M

DATE: August 20, 2015

TO: Snohomish County Council

VIA: Lenda Crawford, Executive Director

VIA: Steve Thomsen, Public Works Director

FROM: Gregg Farris, SWM Utility Co-director
Karen Kerwin, SWM Utility Co-director 

SUBJECT: Staff Summary Report—Ordinances Enacting New Titles 25 and 25A SCC

Introduction

The Surface Water Management Division (SWM) of the Snohomish County Department of Public Works has the following mission statement:

Working together for the sustainable management of rivers, lakes, shorelines and storm water to keep our watersheds healthy and our citizens safe.

To accomplish this mission, SWM provides a variety of programs and services that can be grouped into four priority areas:

- Water Quality: Protecting water quality in Puget Sound, rivers, streams and lakes;
- Habitat: Restoring and preserving habitat for fish and aquatic wildlife;
- Floodplains: Managing floodplains to balance natural processes, property protection and habitat/resource needs;
- Storm water: Handling storm water runoff in the County's drainage systems.

Presently, SWM's service areas cover the more densely populated areas of unincorporated Snohomish County, excluding areas such as floodplains and the more rural areas in the eastern portion of the county. Programs are funded through a variety of sources, though the most consistent revenue source is

generated by service charges authorized by titles 25 and 25A of the Snohomish County Code (SCC). The service charges are based on the amount of impervious surface located on properties and the charges are implemented either as fixed charges (e.g. single family residences) or as charges based on the size of the property (e.g. retail store). In order to address a variety of issues related to titles 25 and 25A, SWM conducted a Service District Reassessment Study that culminated in the recommended code changes described below.

Summary of Proposed Changes

The Service District Reassessment Study and SWM's experience in administering titles 25 and 25A SCC have identified several changes recommended for implementation in County Code. The proposed ordinances repeal titles 25 and 25A SCC and enact two new titles 25 and 25A SCC to achieve the following:

1. *Expand SWM's service areas to include remaining portions of unincorporated Snohomish County except for Hat Island and the Tulalip Tribes and Stillaguamish Tribe reservations. Rationale for the proposed changes includes:*
 - a. SWM's mandate under NPDES encompasses the entire unincorporated county, although some individual properties are not subject to NPDES such as tribal trust and federally owned property.
 - b. Areas outside current SWM boundaries are in need of SWM services, but funding sources used in the past in these areas have declined or are no longer available.
 - c. Grants and partnerships are difficult outside current SWM boundaries due to lack of consistent funding for matches.
 - d. Extending SWM service charges to properties in the proposed expansion areas provides a more fair and equitable distribution of costs for SWM services.
2. *Extend the sunset provisions for the Urban Growth Area (UGA) surcharge. Considerations in the proposal include:*
 - a. The current UGA surcharge is scheduled to sunset on December 31, 2015.
 - b. Work supported by the surcharge is still continuing.
 - c. County Council has indicated a desire to continue the charge.
 - d. The surcharge is proposed to be extended six years.
3. *Remove the restriction requiring UGA surcharge revenue to be spent within the geographic boundaries of UGAs, so long as the spending is related to impacts created by development within the UGA or benefits realized by properties located in the UGAs. The proposal addresses the following issues:*
 - a. Removing the geographic restriction brings code in line with authority under RCW 36.89.080.

- b. Removing the restriction provides more flexibility for funding drainage projects related to the UGAs.
- 4. *Increase the rates for aquatic plant control for properties fronting Lake Shoecraft and Lake Goodwin. Rationale for the proposed changes includes:*
 - a. 682 properties are affected by the change.
 - b. Costs for managing invasive aquatic plants at the lakes have increased to the point where the current rates do not cover the costs of the program.
 - c. Property owners have expressed support for full funding of work on the lakes.
- 5. *Change the rate for farms to a flat charge equivalent to single family residences. Issues addressed by the proposal include:*
 - a. There is currently no consistent definition of a farm that is administratively feasible for SWM to base its farm charges on.
 - b. The maximum farm rate under currently codified rates in title 25A SCC is higher than under title 25 SCC, creating inequity in service charges.
 - c. Based on a random sample of all properties meeting the new farm definition, approximately 90% are similar in characteristics to rural single family residences.
 - d. Agricultural lands may be converted to more intensive uses to obtain higher profitability for the landowner. SWM does not wish to create a potential dis-incentive for landowners who use their property for farm and agricultural purposes.
 - e. The present farm rate has the perception of unfairness for some rate payers who are adjacent to single family residences having a similar character and use on their premises.
- 6. *Consistency in credits—Amend title 25 SCC to include language for credit on the service charge for payment to special districts. The proposal addresses the following:*
 - a. Language regarding credit for charges levied under chapter 36.89 RCW for properties in diking, drainage or flood control districts already exists included in title 25A SCC.
 - b. The language is required pursuant to RCW 85.38.160(2).
 - c. Expansion of boundaries subject to title 25 SCC requires addition of the credit language.
- 7. *Amend the language for collection of delinquent charges to reflect limitation on the county's authority and/or to allow for alternatives to foreclosure. Rationale for the proposed changes includes:*
 - a. Current language only allows the option of foreclosure for collection of delinquent charges.
 - b. There are properties subject to SWM charges that are not subject to foreclosure.
 - c. Charges authorized under chapter 90.72 RCW are not subject to foreclosure.
 - d. Alternate methods of collection for SWM delinquencies may be more cost effective than foreclosure.

- e. A provision will be added that in instances where the treasurer is foreclosing on delinquent property taxes and delinquent SWM charges, SWM will be responsible for reimbursing the treasurer for SWM's proportionate cost of foreclosure.
- 8. *Reorganize both titles so that common wording and section numbering is used. Rationale for the proposed changes includes:*
 - a. Both titles are intended to accomplish the same purpose and objectives pursuant to their authority under chapter 36.89 RCW, yet they are both worded differently.
 - b. Titles 25 and 25A SCC do not set forth similar provisions in the same order, thus inhibiting public understanding of service charge obligations or provisions for service charge relief.
 - c. Definitions are added for clarity.
- 9. *Amend the clean water district (CWD) advisory board to include membership from the area being added into the CWD.*
 - a. Additional area will be added to the CWD, and residents there should have opportunity for representation on the advisory board created under chapter 25A.30 SCC.
 - b. There is very little unincorporated UGA in the clean water district.
- 10. *Add authority to both titles to allow signature authority for the director for certain types of appropriate documents. Documents for which SWM is proposing director authority are limited to:*
 - a. Landowner agreements.
 - b. Drainage easements.

Code changes

Exhibits 1 and 2 at the end of this document contain full text of the existing titles with all proposed changes shown using standard legislative formatting. The exhibits provided include full detail of exact changes in the proposed ordinances that will repeal and enact new versions of the titles.

Title 25 SCC contains the most extensive edits. Title 25A SCC was adopted much later than title 25 SCC and the organizational structure of title 25A SCC has been determined to be easier for the average reader to follow and understand. A large portion of the edits shown in the exhibits are made to arrange title 25 SCC so that it conforms to the content and organization of title 25A SCC.

The presentation in this report is arranged first by code chapter and then by section. Sections are arranged by the proposed code section number.

Chapters 25.05 and 25A.05 SCC

The following list of code sections in chapters 25.05 and 25A.05 SCC provide a brief narrative description of the changes as shown in Exhibits 1 and 2. The listed changes support **item 8** in the summary of proposed changes.

- SCC 25.05.010 and SCC 25A.05.010—Edits are made to the purpose statement in both titles so that the wording is generally consistent between the two sections. There is no substantive change to the purpose statement.
- SCC 25.05.020 and SCC 25A.05.020—Various edits are made for consistency of the text, and the language in subsection (2) of SCC 25.05.020 is added to the corresponding section in title 25A SCC. Authority is added to both titles to allow the director signature authority for appropriate documents such as landowner agreements and drainage easements.
- SCC 25.05.030 and SCC 25A.05.030—Minor edits are made to SCC 25A.05.030. The section “Program established” currently codified as SCC 25.05.040 is moved to SCC 25.05.030. The text of the new SCC 25.05.030 “Program established” is replaced with the existing text of SCC 25A.05.030. The section “Severability” currently codified under SCC 25.05.030 is moved to SCC 25.05.060 to align with the section numbering of title 25A SCC.
- SCC 25.05.040 and SCC 25A.05.040—The section “content of a watershed management plan” currently codified under SCC 25.05.050 is moved/renumbered and amended based on RCW 39.34.190(3). Identical language is added to title 25A SCC. The definition currently codified under SCC 25.05.040 is moved to SCC 25.05.030.
- SCC 25.05.050 and SCC 25A.05.050—The section “Liability” currently codified under SCC 25.05.060 is moved/renumbered for consistency. The definition currently codified under SCC 25.05.050 is moved to SCC 25.05.040.
- SCC 25.05.060 and SCC 25A.05.060—The section “Severability” currently codified under SCC 25.05.030 is moved/renumbered for consistency since severability and saving clauses are usually included toward the end of most legislation.

Chapters 25.10 and 25A.10 SCC

Both title 25 and 25A SCC will have extensive reordering of the definitions to maintain an alphabetical order and consistency between the two titles. Several definitions are added to facilitate clarity in SWM’s internal administration of the titles as well as to facilitate clarity for ratepayers when reading each title and ascertaining how their service charges are determined. Definitions for county, municipal and state right-of-way are consolidated as there is no functional need for separate definitions. The definition for “property owner of record” is amended to correct a long-standing error in the definition and to address instances where the property owner may not necessarily have certain responsibility under some sections of each title.

Title 25A SCC is fairly standardized in its terminology of “water quality restoration” and “water quantity management.” Title 25 uses “water quality,” “water quantity,” “storm water,” “surface water,” “water pollution control” or variant combinations of these terms to describe aspects of water flowing to county drainage systems. The difference in terminology makes it difficult to understand for readers not versed in the field and terminology of drainage and surface water management. Since both titles purport to serve the same fundamental purpose under chapter 36.89 RCW authority, SWM desires to standardize the terminology used throughout the titles by standardizing definitions on “water quality restoration”

and “storm and surface water management.” In some cases, the alternate wording or descriptor is preserved or added in parentheses.

Some new definitions that are added for clarity in administration of the titles rely on or reference definitions in chapter 30.91 SCC. Definitions under Title 30 SCC provide a consistent basis for determining the separation between residential and non-residential properties. The new “farm” definition does not rely on any codified definitions of “farm” or “agricultural land.” Conflicts exist between state law and county code regarding farm and agricultural lands and activities. The definition proposed is based on administrative feasibility and current practice.

The following list of code sections in chapters 25.10 and 25A.10 SCC, provide a brief narrative description of the changes in Exhibits 1 and 2. The listed changes support **items 1 and 8** in the summary of proposed changes.

- SCC 25.10.010 and SCC 25A.10.010—There are no changes made to these sections.
- SCC 25.10.020 and SCC 25A.10.020—Language is amended to provide a more inclusive listing.
- SCC 25A.10.025—The definition of the “clean water district” is revised to include the remaining area of the Stillaguamish basin, except the Stillaguamish Tribes reservation, and the Skagit basin that are currently not covered in existing code. Based on inclusion of all remaining potential area in the county into SWM districts, the definition is also being amended from plural to singular as no more clean water districts will be created. Minor errors in the description are also being corrected. The text is amended so that the description of features defining the areas matches with data the County uses to delineate the boundaries, which chiefly includes GIS data. The definition is also moved from SCC 25A.10.030 to SCC 25A.10.025. The half section number (“.025”) is used so that the preceding and following section numbers remain consistent with title 25 SCC.
- SCC 25.10.030 and SCC 25A.10.030—A definition for “commercial” is added to replace the use of the words “retail” and “industrial” because commercial is more inclusive. Definitions currently codified under these sections are moved to SCC 25.10.060 and SCC 25A.10.025 respectively.
- SCC 25.10.040 and SCC 25A.10.040—The definition for “commercial rainwater harvesting system,” currently codified as SCC 25.10.025 and SCC 25A.10.035, is moved and renumbered to be consistent. Definitions currently codified under these sections are moved to SCC 25.10.070 and SCC 25A.10.060 respectively.
- SCC 25.10.027 and SCC 25A.10.027—The definition for “county right-of-way” is repealed; a more comprehensive definition for “right-of-way” is added as SCC 25.10.220 and SCC 25A.10.220.
- SCC 25.10.050 and SCC 25A.10.050—A new definition for “developed real property” is added to clarify which properties are subject to service charges and which properties are exempt. Definitions currently codified under these sections are moved to SCC 25.10.100 and SCC 25A.10.070 respectively.
- SCC 25.10.060 and SCC 25A.10.060—The definition for “director,” currently codified under SCC 25.10.030 and SCC 25A.10.040, is moved and renumbered. Definitions currently codified under these sections are moved to SCC 25.10.120 and SCC 25A.10.100 respectively.

- SCC 25.10.070 and SCC 25A.10.070—The definition for “drainage basin,” currently codified under SCC 25.10.040 and SCC 25A.10.050, is renumbered and the language is amended for consistency. Definitions currently codified under these sections are moved to SCC 25.10.190 and SCC 25A.10.120 respectively.
- SCC 25.10.080 and SCC 25A.10.080—No definition exists in titles 25 and 25A SCC indicating what properties are subject to the “farm rate” category. Definitions under state law and county code are not consistent. The farm rate has, in some instances, been inconsistently applied. In the past, SWM has relied on the Open Space Agriculture classification and other farm related property use codes from the County Assessor for application of the farm rate. The added definition is consistent with current SWM practice. Definitions currently codified under these sections are moved to SCC 25.10.230 and SCC 25A.10.160 respectively.
- SCC 25.10.090 and SCC 25A.10.090—The definition for “Former Watershed Management Area” codified under SCC 25.10.047 and for “Former Clean Water District” codified under SCC 25A.10.057 are renumbered for consistency. Definitions currently codified under these sections are moved to SCC 25.10.200 and SCC 25A.10.190 respectively.
- SCC 25.10.100 and SCC 25A.10.100—The definition for “impervious surfaces” codified under SCC 25.10.050 and SCC 25A.10.060 is renumbered for consistency. Definitions currently codified under these sections are repealed in title 25 SCC and moved to SCC 25A.10.200 respectively.
- SCC 25.10.110 and SCC 25A.10.110—A definition for “improved” is added for clarity in how SWM assigns rates and charges. Definitions currently codified under these sections are moved to SCC 25.10.250 and SCC 25A.10.230 respectively.
- SCC 25.10.120 and SCC 25A.10.120—The definition for “land use classification,” currently codified under SCC 25.10.060 and SCC 25A.10.070, is moved and renumbered for consistency. Definitions currently codified under these sections are moved to SCC 25.10.240 and repealed in Title 25A SCC respectively.
- SCC 25.10.130 and SCC 25A.10.130—The definition for “mean annual rainfall depth,” currently codified under SCC 25.10.063 and SCC 25A.10.073, is moved and renumbered for consistency; the definition is also updated to reflect the current body of information used to set the criteria. Definitions currently codified under these sections are moved to SCC 25.10.305 and SCC 25A.10.240 respectively.
- SCC 25.10.140 and SCC 25A.10.140—The definition of “mean annual runoff volume,” currently codified under SCC 25.10.065 and SCC 25A.10.075, is moved and renumbered for consistency. Definitions currently codified under these sections are moved to SCC 25.10.310 and SCC 25A.10.280 respectively.
- SCC 25.10.150 and SCC 25A.10.150—A definition for “mixed use property” is added to clarify how charges are imposed on properties where multiple types of uses are present. The definition currently codified under section SCC 25A.10.150 is moved to SCC 25A.10.290.
- SCC 25.10.068 and SCC 25A.10.078—The definition for “municipal right-of-way” is repealed; a more comprehensive definition for “right-of-way” is added as SCC 25.10.220 and SCC 25A.10.220.
- SCC 25.10.160 and SCC 25A.10.160—The definition for “non-point source pollution,” currently codified as SCC 25A.10.080, is moved and renumbered. In addition, the identical definition is

added to Title 25 SCC for consistency. The definition currently codified under section SCC 25A.10.160 is repealed.

- SCC 25.10.170 and SCC 25A.10.170—A definition for “non-residential and other use” is added to clarify how SWM assigns properties to rate categories. The definition currently codified under section SCC 25A.10.170 is moved to SCC 25A.10.250.
- SCC 25.10.180 and SCC 25A.10.180—The definition for “ordinary residential improvement” is added to clarify how SWM assigns properties to rate categories. The definition currently codified under section SCC 25A.10.180 is moved to SCC 25A.10.300.
- SCC 25.10.190 and SCC 25A.10.190—The definition for “property owner of record” is amended to reflect instances where the property owner may not be the responsible party for some actions. Section numbers SCC 25.10.070 and SCC 25A.10.090 are used for “drainage basin” and “Former Clean Water District” respectively. The definition currently codified under section SCC 25A.10.190 is moved to SCC 25A.10.310.
- SCC 25.10.200 and SCC 25A.10.200—The definition for “rates,” currently codified under SCC 25.10.090 and SCC 25A.10.100, is moved and renumbered for consistency.
- SCC 25.10.210 and SCC 25A.10.210—A definition for “residential” is added to clarify how SWM assigns property to rate categories.
- SCC 25.10.220 and SCC 25A.10.220—The definition for “right-of-way” is added to replace previously separate definitions for rights-of-way owned by municipalities, the county or the state.
- SCC 25.10.230 and SCC 25A.10.230—The definition for “service charges,” currently codified under SCC 25.10.080 and SCC 25A.10.110, is moved and renumbered for consistency.
- SCC 25.10.100 and SCC 25A.10.120—The definition for “state highway right-of-way” is repealed; a more comprehensive definition of “right-of-way” is added as SCC 25.10.220 and SCC 25A.10.220.
- SCC 25.10.240 and SCC 25A.10.240—The definition for “surface water management facilities” codified at SCC 25.10.120 is amended and renamed “storm and surface water management facilities,” as well as renumbered. Section number SCC 25.10.120 is reused for the “land use classification” definition. The definition for “storm water control facilities” codified at SCC 25A.10.130 is amended and renamed for consistency. Section SCC 25.10.130 is reused for the “mean annual rainfall depth” definition.
- SCC 25.10.250 and SCC 25A.10.250—The definition for “storm and surface water management services” codified at SCC 25.10.110 is amended for consistency and renumbered. The definition for “water quantity management activities” codified at SCC 25A.10.170 is renamed and renumbered for consistency. The current code section number SCC 25.10.110 is reused for the definition for “improved.” The section number SCC 25A.10.170 is reused for the “non-residential and other use” definition.
- SCC 25.10.260 and SCC 25A.10.260—A definition for “storm water” is added for clarity.
- SCC 25.10.270 and SCC 25A.10.270—A definition for “surface water” is added for clarity.
- SCC 25.10.280 and SCC 25A.10.280—The definition for “water quality management facilities” is added to title 25 SCC for consistency. The definition for “water pollution control facilities” currently codified at SCC 25A.10.140 is renamed and renumbered for consistency.
- SCC 25.10.290 and SCC 25A.10.290—The definition for “water quality restoration activities” currently codified as 25A.10.150 SCC is renamed as “water quality restoration services” and is

moved and renumbered. It is also added to title 25 SCC for consistency. The definition for “water quality restoration and water quantity management services” currently codified at SCC 25A.10.160 is repealed because it is redundant to portions of existing and proposed definitions. The current section number SCC 25A.10.160 is reused for the “non-point source pollution” definition.

- SCC 25.10.300 and SCC 25A.10.300—The definition for “watershed” is amended, moved and renumbered. It is also added to title 25 SCC for consistency.
- SCC 25.10.305—The definition for “Watershed Management Areas” is amended to include the remaining unincorporated area of the Snohomish drainage basin, excluding the Tulalip Tribes reservation. It is also amended so that the description of features defining the areas matches the data the County uses to delineate the boundaries, chiefly GIS data. The definition is also moved from SCC 25.10.130 to SCC 25.10.305. The half section number (“.305”) is used so that the preceding and following section numbers remain consistent with title 25A SCC. Section number SCC 25.10.130 is reused for the “mean annual rainfall depth” definition.
- SCC 25.10.310 and SCC 25A.10.310—The definition for “watershed action plan or watershed management plan” currently codified under SCC 25A.10.190 and the definition for “watershed management plan” currently codified under SCC 25.10.140 are both amended to include a greater scope of plan types as currently described in RCW 39.34.190(3). Both definitions are moved and renumbered. The current section number SCC 25.10.140 is reused for the “mean annual runoff volume” definition. The current section number SCC 25A.10.190 is reused for the “property owner” definition.

Chapters 25.20 and 25A.20 SCC

As with previous chapters, the most extensive edits occur in title 25 SCC. The extent of the edits is largely due to the movement of code language governing credits and exemptions from the rate structure section in chapter 25.20 SCC to separate sections devoted to these subjects. This categorized construction is used in title 25A SCC and has proven to provide better customer service benefits. Previously repealed language is removed.

The following list of code sections in chapters 25.20 and 25A.20 SCC, provide a brief narrative description of the changes in exhibits 1 and 2. The listed changes support **items 2 through 8** in the summary of proposed changes.

- SCC 25.20.010 and SCC 25A.20.010—There are no substantive changes to the applicability sections.
- SCC 25.20.020 and SCC 25A.20.020—Currently in code, these sections are listed as repealed. The section numbers are reused for the rate sections, which are currently found in SCC 25.20.030 and SCC 25A.20.030. Subsection (1) of both revised sections has text added articulating the method by which the director assigns a rate category when more than one use exists on a property. Present code is silent, requiring the director to create an administrative procedure that lacks transparency for the public. The revised “farm rate” is shown in the rate tables. The farm rate is set at the same level as the single family residential rate.

- SCC 25.20.020 and SCC 25A.20.020—The existing sunset clause is amended in the subsections on UGA surcharges to extend another six years. This reflects the County Council’s desire to continue the work supported by the UGA charge. Additionally, the restriction requiring the UGA service charges to be expended within the geographic boundary of UGAs is modified to allow the service charges to be used for projects outside the UGA that either benefit the UGA or mitigate impacts to areas outside the UGA that originate from within the UGA.
- SCC 25.20.030 and SCC 25A.20.030—The sections on bond debt service charges being allocable to FWMAs and the FCWD are moved from SCC 25.20.032 and SCC 25A.20.032 to the new section numbers.
- SCC 25.20.040 and SCC 25A.20.040—The sections for rate structures for FWMAs and the FCWD are moved from SCC 25.20.034 and SCC 25A.20.034. There are minor edits and an altered rate category for farms to coincide with the changes in revised SCC 25.20.020 and SCC 25A.20.020.
- SCC 25.20.050—This section is reserved to preserve the coincident numbering between titles 25 SCC and 25A SCC.
- SCC 25A.20.050— Section SCC 25A.20.035 for aquatic plant control is renumbered with minor edits to the text. The rate table is updated to include a proposed increase as supported by lake front property owners.
- SCC 25.20.060— SCC 25.20.035 is renumbered for consistency. The undeveloped/exempt rate category is removed since the first line of the section limits the scope of charges to developed properties. There are other minor edits for consistency.
- SCC 25A.20.060— SCC 25A.20.036 is renumbered for consistency. There are no other changes.
- SCC 25.20.070 and SCC 25A.20.070—The exemptions and reductions language currently codified under SCC 25.20.030(4) through (7) and SCC 25A.20.060 is moved and renumbered. There are minor edits to the language in title 25A SCC. In title 25 SCC, this section is added to replace SCC 25.20.030(4) through (7) as well as to add language for consistency.
- SCC 25.20.080 and SCC 25A.20.080— SCC 25A.20.070 “Credits” is moved and renumbered. Text is added to clarify the review interval for various credits. The credits section is added to title 25 SCC by incorporating language from existing SCC 25.20.050(1)(a).
- SCC 25.20.090 and SCC 25A.20.090— SCC 25.20.040 and SCC 25A.20.080 are moved and renumbered. There are some minor language changes for clarification and consistency. The main substantive change clarifies the due date for charges billed under alternative methods. SWM presently uses alternative methods for billing federal, state DOT, county airport, county roads and municipal roads bond charges. Federal and state agencies operate under different fiscal calendars than the County does, so billing and collection of SWM service charges with regard to these agencies requires different timeframes than service charges billed on tax statements.
- SCC 25.20.100 and SCC 25A.20.100—The billing errors sections are moved from SCC 25.20.050(1)(a) and SCC 25A.20.050 respectively. The text is updated to indicate that any potential refunds are subject to the conditions in the rate adjustments and appeals section that limit refunds to 3 prior years. The limitation is not a new addition. The text merely clarifies where to locate the 3 year limit.
- SCC 25.20.110 and SCC 25A.20.110— SCC 25A.20.040 is moved and renumbered. There are minor modifications to the text for consistency throughout the chapter. SCC 25.20.050 is moved and renumbered. Text related to credits in SCC 25.20.050 is moved to the new credit section

under SCC 25.20.100. There are extensive edits for consistency throughout chapters 25.20 and 25A.20 SCC.

- SCC 25.20.120 and SCC 25A.20.120—The sections on delinquent charges under SCC 25.20.060 and SCC 25A.20.090 are moved and renumbered. Edits to these sections correct the penalty interest, the manner of establishing a lien for delinquent charges and which properties will be subject to foreclosure or alternative methods. The text creates an automatic lien for delinquent charges instead of the currently articulated method of requiring liens to be manually filed with the auditor for each individual property. A section is added to allow the director to pursue alternative methods for collecting delinquent charges where legal authority for foreclosure may not exist or where an alternative to foreclosure may be in the best interest of the county.
- SCC 25A.20.125—A new section is added to title 25A SCC for delinquent charges authorized under RCW 90.72. RCW 90.72 does not allow for liens and therefore foreclosure is not an option for these charges.
- SCC 25.20.130 and 2 SCC 5A.20.130—A new section is added on waiver of interest and penalties. This section clarifies the limited circumstances under which interest and penalties on delinquent service charges can be waived.
- SCC 25.20.140 and SCC 25A.20.140— SCC 25.20.070 and SCC 25A.20.100 are moved and renumbered. There are minor edits for consistency.
- 25.20.150 and 25A.20.150— SCC 25.20.080 and SCC 25A.20.110 on administrative procedures are moved and renumbered. There are no other changes.

Chapter 25A.30 SCC

Chapter 25A.30 SCC addresses the advisory board for the clean water district. There is no reorganization of this chapter proposed. All but one of the edits is related to the expansion of the clean water district. The listed changes support **items 9** in the summary of proposed changes.

- SCC 25A.30.010—There are no changes to the “Applicability” section.
- SCC 25A.30.020—There are minor wording changes to the “Purpose” section for consistency in terms used throughout the rest of the title.
- SCC 25A.30.030—There are minor wording changes to the “Authority and responsibility” section for consistency in terms used throughout the rest of the title.
- SCC 25A.30.040—The “Advisory board composition” section is amended for consistency in wording and to provide representation to the area newly incorporated into the CWD.
- SCC 25A.30.050—The “Nominations, appointments, and terms” section is amended for compliance with SCC 2.03 and to clarify the nomination process.
- SCC 25A.30.060—There are no changes to the “Organization” section.

I trust you will find this summary of proposed code changes helpful. Please contact me at x6459 should you have any questions.

cc: Jed Gonzales, Legislative Analyst

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Marcia Isenberg, Chief of Staff
Debbie Eco, Clerk of the Council
Steve Thomsen, Public Works Director
Gregg Farris, Interim SWM Utility Co-Director
Karen Kerwin, Interim SWM Utility Co-Director

Exhibit 1—Title 25 SCC Revisions

Title 25

STORM AND SURFACE WATER MANAGEMENT

Chapters:

25.05 General Provisions

25.10 Definitions

25.20 Charges for Storm and Surface Water Management Services

**Chapter 25.05
GENERAL PROVISIONS**

Sections:

25.05.010 Purpose.

25.05.020 Authority.

~~((25.05.030 Severability.))~~

~~((25.05.040))~~25.05.030 Program established.

~~((25.05.050))~~25.05.040 Content of a watershed management plan.

~~((25.05.060))~~25.05.050 Liability.

~~((25.05.030))~~25.05.060 Severability.

25.05.010 Purpose.

It is the purpose and intent of this title:

(1) To establish a water quality restoration and storm and surface water management program for Snohomish ~~((county))County~~ to be administered by the Snohomish ~~((county department of public works))County Department of Public Works~~;

(2) To create service areas defined by ordinance to be known as "watershed management areas";

(3) To provide a comprehensive approach to managing surface water ~~((in order))~~ to respect and preserve the county's rivers, streams, lakes and other ~~((waterbodies))water bodies~~; protect and restore water quality; control, accommodate and discharge storm runoff; provide for groundwater recharge; control sediment; stabilize erosion; ~~((establish monitoring capability))monitor water quality and stream flow~~; and rehabilitate stream and drainage corridors for hydraulics, aesthetics, and fisheries benefits;

(4) To facilitate the preparation and implementation of comprehensive watershed action plans and watershed management plans;

(5) ~~((to))~~To recognize that programs to restore water quality and manage storm and surface water ~~((management))~~needs will vary from watershed to watershed and that specific watershed management needs ~~((will))~~may be determined or refined when watershed action plans and watershed management plans are developed or revised; and

(6) To foster interagency cooperation on water quality restoration and storm and surface water management issues because watersheds do not conform to political boundaries.

(Added Ord. 87-040, § 2, July 16, 1987; Amended Ord. 89-046, § 1, May 31, 1989; Reenacted by Ord. 92-126, Dec. 2, 1992).

25.05.020 Authority.

(1) Pursuant to chapter 36.89 RCW and the Snohomish County Home Rule Charter, Snohomish ~~((county))County~~ is authorized to provide water quality restoration and storm and surface water management services throughout unincorporated Snohomish County and within ~~((and without))~~its cities and towns for the benefit of all county residents.

(2) Whenever necessary to examine the property characteristics of a particular parcel of real property for the determination of rates and charges, the director may enter ~~((any))~~ said property or portion thereof at reasonable times in compliance with the following procedures:

(a) If such real property or portion thereof is occupied, the director shall present identification credentials, state the reason for entry, and request entry.

(b) If such property or portion thereof is unoccupied, the director shall first make a reasonable effort to locate the property owner or other persons having charge or control of the real property or portion thereof, and request entry.

(c) Unless entry is consented to by the property owner or person in control of any real property or portion thereof, the director, prior to entry, shall obtain a search warrant as authorized by the laws of the state of Washington.

(3) The director shall have the authority to enter into an agreement or agreements with any property owner for any lawful purpose under this title, including, but not limited to, the creation and maintenance of drainage easements.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

~~((25.05.040))~~25.05.030 Program established.

~~((There is hereby established a storm and surface water management program to provide storm and surface water management services for Snohomish county. The program shall be administered by the Snohomish county department of public works. Activities of the program shall include, but not be limited to, preparing and implementing watershed management plans.))~~ There is hereby established a water quality restoration and storm and surface water management program to provide water quality restoration and storm and surface water management services, facilities, and regulations within Snohomish County. The program shall be administered by the Snohomish County Department of Public Works. The program shall be described in the county's budget and may include, but shall not be limited to, the following elements: preparing and implementing watershed action plans and watershed management plans; complying with federal, state, and local water quality regulations; developing and implementing public involvement and education activities; performing water quality and stream flow monitoring; developing, proposing, and analyzing policies and regulations; inventorying, rehabilitating, and restoring drainage systems; investigating drainage problems; planning, designing, establishing, acquiring, developing, constructing, maintaining, and improving needed water quality and storm and surface water management facilities; administering programs; imposing and collecting fees, rates, and charges; participating in and expending revenue on cooperative management actions and watershed management partnerships for purposes of water supply, water quality, and water resource and habitat protection and management; receiving grants, loans, taxes, and other revenues; and paying for or securing general obligation, councilmanic, or revenue bonds issued for any such purposes.

(Added Ord. 89-046, § 2, May 31, 1989; Reenacted by Ord. 92-126, Dec. 2, 1992).

~~((25.05.050))~~25.05.040 Content of a watershed management plan.

Each watershed management plan shall consist of a detailed analysis of a drainage basin including, but not limited to, a comparison of the capabilities and needs for runoff accommodation due to various combinations of development, land use, structural and non-structural management, alternatives, and recommendations as to the form, location and extent of quantity and quality control measures which would satisfy legal constraints, water quality standards, and community standards. The plan shall also identify the institutional and funding requirements for plan implementation.

(Added Ord. 89-046, § 3, May 31, 1989; Reenacted by Ord. 92-126, Dec. 2, 1992).

~~((25.05.060))~~25.05.050 Liability.

Administration of this title shall not be construed to create the basis for any liability on the part of the county, its appointed and elected officials, and employees while working within the scope of their duties for any action or inaction thereof authorized or done in connection with the implementation of this title.

(Added Ord. 89-046, § 3, May 31, 1989; Reenacted by Ord. 92-126, Dec. 2, 1992).

~~((25.05.030))~~25.05.060 Severability.

If any provision of this title, or its application to any person or circumstances is held invalid, the remainder of this title or the application of the provisions to other persons or circumstances shall not be affected.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

Chapter 25.10
DEFINITIONS

Sections:

- 25.10.010 Application of definitions.
25.10.020 Aquatic system.
25.10.030 Commercial.
~~((25.10.025))~~25.10.040 Commercial rainwater harvesting system.
~~((25.10.027 County right-of-way.))~~
25.10.050 Developed real property.
~~((25.10.030))~~25.10.060 Director.
~~((25.10.040))~~25.10.070 Drainage basin.
25.10.080 Farm.
~~((25.10.047))~~25.10.090 Former watershed management areas.
~~((25.10.050))~~25.10.100 Impervious surfaces.
25.10.110 Improved.
~~((25.10.060))~~25.10.120 Land use classifications.
~~((25.10.063))~~25.10.130 Mean annual rainfall depth.
~~((25.10.065))~~25.10.140 Mean annual runoff volume.
25.10.150 Mixed use property.
~~((25.10.068 Municipal right-of-way.))~~
25.10.160 Non-point source pollution.
25.10.170 Non-residential and other use.
25.10.180 Ordinary residential improvement.
~~((25.10.070))~~25.10.190 Property owner of record.
~~((25.10.090))~~25.10.200 Rates.
25.10.210 Residential.
25.10.220 Right-of-way.
~~((25.10.080))~~25.10.230 Service charges.
~~((25.10.100 State highway right-of-way.))~~
~~((25.10.120))~~25.10.240 Storm and surface water management ~~((facility))~~facilities.
~~((25.10.110))~~25.10.250 Storm and surface water management services.
25.10.260 Storm water.
25.10.270 Surface water.
25.10.280 Water quality management facilities.
25.10.290 Water quality restoration services.
25.10.300 Watershed.
~~((25.10.130))~~25.10.305 Watershed management areas.
~~((25.10.140))~~25.10.310 Watershed action plan or watershed management plan.

25.10.010 Application of definitions.

Unless the context clearly requires otherwise, the definitions in this chapter apply throughout this title.
(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992; Amended by Amended
Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009).

25.10.020 Aquatic system.

~~((Creeks, streams, rivers, marshes, lakes, and wetlands.))~~Puget Sound, bays, tidelands and other salt waters,
rivers, streams, creeks, lakes, marshes, wetlands and other inland waters.
(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

25.10.030 Commercial.

Any development or use of real property meeting the definition of “commercial development” in SCC
30.91C.132 or the definition of “industrial development” in SCC 30.91I.035.

1 **~~((25.10.025))25.10.040 Commercial rainwater harvesting system.~~**

2 A system for storing, collecting, and reusing rainwater from a rooftop, installed at a commercial-use building,
3 that has been designed and constructed in accordance with the Washington State Building Code Council's
4 Permissive Rainwater Harvesting System Guidelines for ~~((Nonresidential))~~Non-residential Occupancies (2002 or as
5 amended), has a storage volume of at least ten percent of the mean annual runoff volume generated from the
6 contributing roof area, and for which design and construction has been approved by the director of the department
7 of planning and development services.

8 (Added Ord. 05-102, October 26, 2005, Eff date November 6, 2005)

9 **~~((25.10.027 County right-of-way.~~**

10 County right-of-way is property in which the County has any form of ownership or title and which is held for
11 public road purposes, regardless of whether or not any road exists thereon or whether or not it is used, improved,
12 or maintained for public travel.))

13 (Added by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009)

14 **25.10.050 Developed real property.**

15 Real property characterized by the addition of impervious surfaces or removal of native vegetation cover,
16 changing the property from its natural condition. Also known as improved.

17 **~~((25.10.030))25.10.060 Director.~~**

18 The director of the Snohomish ~~((county department of public works))~~County Department of Public Works or his
19 or her designee.

20 (Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

21 **~~((25.10.040))25.10.070 Drainage basin.~~**

22 The geographic region within which water drains into a particular aquatic system or other body of water. Also
23 known as a watershed.

24 (Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

25 **25.10.080 Farm.**

26 Property assessed and taxed by the county as farm or agricultural use.

27 **~~((25.10.047))25.10.090 Former watershed management areas.~~**

28 (1) Former watershed management areas ~~((FMWAs))~~ shall consist of all properties meeting the following
29 criteria: (a) the property is not currently located within a watershed management area~~((;))~~; (b) the property was
30 located within a watershed management area prior to being annexed or incorporated into a municipal
31 corporation~~((;))~~; (c) debt service charges continue to be due from the property pursuant to RCW 36.89.120~~((;))~~; and
32 (d) the municipal corporation in which the property is now located has not entered into an agreement with the
33 county for full payment of the debt service charges required to be imposed by RCW 36.89.120, as described in
34 SCC ~~((25.20.032))~~25.20.030.

35 (2) The South County ~~((former watershed management area))~~Former Watershed Management Area shall
36 include all properties meeting the definition of a former watershed management area that were located in the South
37 County ~~((watershed management area))~~Watershed Management Area prior to annexation or incorporation.

38 (3) The Snohomish ~~((former watershed management area))~~Former Watershed Management Area shall include
39 all properties meeting the definition of a former watershed management area that were located in the Snohomish
40 ~~((watershed management area))~~Watershed Management Area prior to annexation or incorporation.

41 (4) Maps of historical watershed management area boundaries are available in the department of public works
42 and incorporated by reference herein. The department of public works also maintains maps of the current
43 watershed management boundaries under SCC ~~((25.10.130(2) 25.10.305(2))~~. Where it is questionable whether or
44 not a property is included in an ~~((FWMA))~~former watershed management area and subject to the requirements of
45 this title, inclusion shall be determined on a case by case basis by the director.

46 (Added by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009)

1 **((25.10.050))25.10.100 Impervious surfaces.**

2 Hard surfaced areas which prevent or retard the entry of water into the soil mantle ~~((and/or))~~ or cause water to
3 run off the surface in greater quantities or at an increased rate of flow than under natural conditions. Common
4 impervious surfaces include, but are not limited to, rooftops, concrete or asphalt sidewalks and paving, walkways,
5 patio areas, driveways, parking lots or storage areas and gravel, oiled~~((;))~~ or other surfaces which similarly impede
6 the natural infiltration of surface water or runoff patterns existent prior to development.

7 (Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

8 **25.10.110 Improved.**

9 Real property characterized by the addition of impervious surfaces or removal of native vegetation cover,
10 changing the property from its natural condition.

11 **((25.10.060))25.10.120 Land use classifications.**

12 The type of development on a given parcel of land as indicated in the records of the Snohomish ~~((county~~
13 ~~assessor))County Assessor~~ or as determined by inspection by the ~~((department of public works))director~~. Land use
14 classifications are used to determine rate categories because they are indicators of impervious surfaces and
15 hydrologic intensity.

16 (Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

17 **((25.10.063))25.10.130 Mean annual rainfall depth.**

18 The mean annual rainfall depth ~~((based on climatic statistics from the United States National Oceanographic~~
19 ~~and Atmospheric Administration Atlas 2, Volume IX))~~as determined by information set forth in the Stormwater
20 Management Manual for Western Washington, Volume I, Appendix I-B: 2014 Update, (December 2014 or latest
21 edition, Washington State Department of Ecology Publication #14-10-055).

22 (Added Ord. 05-102, October 26, 2005, Eff date November 6, 2005)

23 **((25.10.065))25.10.140 Mean annual runoff volume.**

24 The runoff volume calculated as the product of a specified area and the mean annual rainfall depth, or the
25 equivalent runoff volume statistic from that area calculated by a continuous-simulation hydrologic model using long-
26 term local rainfall records.

27 (Added Ord. 05-102, October 26, 2005, Eff date November 6, 2005)

28 **25.10.150 Mixed use property.**

29 Property on which a combination of residential, farm, commercial or other non-residential uses exist.

30 **((25.10.068 Municipal right-of-way.**

31 Municipal right-of-way is property in which a municipal corporation has any form of ownership or title and which
32 is held for public road purposes, regardless of whether any road exists thereon or whether it is used, improved, or
33 maintained for public travel.

34 (Added by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009)))

35 **25.10.160 Non-point source pollution.**

36 Pollution that enters storm and surface waters from dispersed sources (such as surface runoff) rather than
37 through pipes. Non-point sources include, but are not limited to: forest practices, agricultural practices, onsite
38 sewage disposal systems, developed real property, motor vehicles, and recreational boats.

39 **25.10.170 Non-residential and other use.**

40 Any development or use of real property that does not meet the definitions in SCC 25.10.030, SCC 25.10.080,
41 SCC 25.10.180, SCC 25.10.210 or SCC 25.10.220.

42 **25.10.180 Ordinary residential improvement.**

43 Those structures and facilities that are commonly found with, and are incidental to, the development and use of
44 a single-family residence including, but not limited to, garages, decks, driveways and serving utility systems.

~~((25.10.070))~~25.10.190 Property owner(~~(- of record)~~).

~~((Person or persons recorded by the county assessor to be the owner of property and to whom property tax statements are directed by the county treasurer.))~~ One or more persons or any legal entity that owns, or is designated to pay taxes, fees and service charges on, or is empowered to grant access to or authorize and approve maintenance of drainage facilities located on, any real property or portion thereof.

~~(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).~~

~~((25.10.090))~~25.10.200 Rates.

The dollar amount charged per unit of surface area of ~~((a parcel of))~~ real property, ~~((or))~~ per parcel of real property or per dwelling unit or ordinary residential improvement based upon the land use classification ~~((and/or))~~ and amount of impervious surface coverage for the accommodation of water quality restoration and storm and surface water runoff and other surface water management services.

~~(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).~~

25.10.210 Residential.

Property characterized by dwelling units whose primary function is to be used as single family housing with impervious surface coverage not in excess of 15,000 total square feet per tax parcel. The class includes single family residences, condominiums and mobile homes not in parks, and ordinary residential improvements. Single family residences used for business purposes or for the storage of vehicles, equipment or junk as defined by SCC 30.91J.010 are not considered residential. Apartments, hotels, motels, mobile home parks, dormitories and group housing are not considered residential.

25.10.220 Right-of-way.

Public or private real property held for road or transportation purposes to allow for the passage of people or goods, regardless of whether any road or transportation improvement exists thereon or whether it is used, improved, or maintained for travel.

~~((25.10.080))~~25.10.230 Service charges.

Charges to property owners for water quality restoration and storm and surface water management services.
~~(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).~~

~~((25.10.100 State highway right-of-way.~~

~~The right-of-way of a state limited-access highway inside or outside a city or town. The term does not include city or town streets forming a part of the route of state highways that are not limited-access highways or state property under the jurisdiction of the department of transportation that is outside the right-of-way lines of a state highway.~~

~~(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).))~~

~~((25.10.120))~~25.10.240 Storm and ~~((Surface))~~surface water management ~~((facility))~~facilities.

Any ~~((facility, improvement, development, property,))~~ facilities, improvements, developments, properties, aquatic systems or interest therein, made, constructed or acquired for the purpose of controlling or protecting life or property from~~((;))~~ storm, waste, flood, or surplus waters, or for the purpose of protecting water quality. Such facilities shall include, but not be limited to, the improvements and authority described in ~~((Chapters))~~ chapters 86.12, 86.13, and 86.15 RCW.

~~(Added Ord. 87-040, § 2, July 16, 1987; Amended Ord. 89-046, § 5, May 31, 1989; Reenacted by Ord. 92-126, Dec. 2, 1992).~~

~~((25.10.110))~~25.10.250 Storm and surface water management services.

Any activity, routine, or project developed and implemented to comply with federal, state, or local regulations and policies designed to minimize drainage problems. Such services may include, but shall not be limited to those that: ((The services provided by the department of public works to-))plan, design, regulate, establish, acquire, develop, construct, maintain, and improve storm and surface water management facilities; inventory, rehabilitate, and restore drainage systems; investigate and address drainage problems; and collect and analyze stream flow data. ((within and without its cities and towns for the benefit of all county residents.))

~~(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).~~

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25.10.260 Storm water.

Surplus waters generated from precipitation events like rain or snowmelt that flow over land or impervious surfaces with little or no infiltration into the ground.

25.10.270 Surface water.

Water from all sources that occurs on the earth's surface either as diffused water or as water in natural channels, artificial channels or other surface water bodies and inland waters including salt waters, lakes, ponds, wetlands, rivers, streams and creeks.

25.10.280 Water quality management facilities.

Any facilities or systems, natural or built, that control, collect, store, treat, dispose of, or recycle wastewater, including but not limited to sanitary sewage, storm water, residential waste, commercial wastes, industrial wastes, and agricultural wastes, that are causing or threatening the degradation of subterranean or surface bodies of water due to concentrations of conventional, nonconventional, or toxic pollutants.

25.10.290 Water quality restoration services.

Any activity, routine, or project developed and implemented to comply with federal, state, or local regulations and policies designed to protect surface water quality and shellfish beds. Such services may include, but are not limited to, those that: plan, design, regulate, establish, acquire, develop, construct, maintain, and improve water quality management facilities; regulate water quality; develop and implement watershed and lake management plans, non-point source pollution prevention plans, and comprehensive flood hazard management plans; develop and provide public involvement and education; collect and analyze water quality data; implement, encourage, and promote agricultural best management practices related to animal grazing and manure management; and repair and promote the proper function of onsite sewage systems.

25.10.300 Watershed.

The geographic region within which water drains into a particular aquatic system. Also known as a drainage basin.

((25.10.130))25.10.305 Watershed management areas.

(1) Watershed management areas ((WMAAs)) shall consist of all properties in unincorporated Snohomish County that are located within the following drainage basins or portions of drainage basins ((all)) as shown on the maps described in subsection (2) below. Watershed management areas may also include properties within cities and towns lying within said drainage basins by interlocal agreement between the county and such cities or towns.

(a) South County ((watershed management area)Watershed Management Area.

(i) ((Chase Lake/Lake Ballinger drainage basin.))Cedar-Sammamish drainage basin.

(ii) ((Drainage basins for tributaries to the Puget Sound located south of Everett.))Puget Sound drainage basin located south of the City of Everett.

((iii) Swamp Creek drainage basin.))

((iv) North Creek drainage basin.))

((v) Bear Creek/Little Bear Creek drainage basin.))

(b) Snohomish ((watershed management area)Watershed Management Area:

((i) Those portions of the drainage basins for tributaries to the Marshland Flood Control District lying south of Lowell-Larimer Road; west of the East section lines of Section 26 and 35, Township 28 North, Range 5 East; and lying north of the South section lines of Sections 34 and 35 of said Township and Range.)) The Snohomish drainage basin except that portion of the Tulalip sub-basin lying in township 31 north and except that portion of the Snohomish drainage basin lying within the boundary of the Tulalip Tribes reservation.

((ii) Lake Stevens drainage basin.

(iii) Sunnyside drainage basin.

(iv) Smokey Point drainage basin.

(v) Quilceda Creek/Allen Creek drainage basin.

(vi) Snohomish Uplands drainage basin.))

(2) The exact boundaries of said drainage basins and watershed management areas shall be determined based on topographic maps, storm drainage infrastructure maps, and parcel maps. Detailed maps of the drainage

basin and ~~((WMA))watershed management area~~ boundaries are available in the department of public works and incorporated by reference herein. Where it is questionable whether or not a property is included in a ~~((WMA))watershed management area~~ and subject to the requirements of this title, inclusion shall be determined on a case by case basis by the director based on actual topographic and hydrologic characteristics of the property.

(3) Nothing in this chapter shall be interpreted as preventing adjustment of the watershed management areas by legislative action at a later date.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992; Amended by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009).

~~((25.10.140))25.10.310 Watershed action plan or watershed management plan.~~

A plan adopted by the county council, the department of ecology or the department of public works for a specific watershed. ~~((management area including.))~~A plan may include, but shall not be limited to, voluntary, educational, structural and regulatory approaches to source control program strategies, program goals, and recommended actions. ~~((a comprehensive drainage plan and a comprehensive drainage basin plan.))~~ Such plans include, but are not limited to, plans developed under the following authorities:

(1) Watershed plans developed under chapter 90.82 RCW;

(2) Salmon recovery plans developed under chapter 77.85 RCW;

(3) Watershed management elements of comprehensive land use plans developed under the Growth Management Act, chapter 36.70A RCW;

(4) Watershed management elements of shoreline master programs developed under the Shoreline Management Act, chapter 90.58 RCW;

(5) Nonpoint pollution action plans developed under the Puget Sound water quality management planning authorities of chapter 90.71 RCW;

(6) Other comprehensive management plans addressing watershed health at a WRIA level or sub-WRIA basin drainage level;

(7) A comprehensive drainage plan;

(8) A storm water plan; and

(9) Any combination of the foregoing plans in an integrated watershed management plan.

(Added Ord. 89-046, § 6, May 31, 1989; Reenacted by Ord. 92-126, Dec. 2, 1992).

Chapter 25.20

CHARGES FOR STORM AND SURFACE WATER MANAGEMENT SERVICES

Sections:

25.20.010 Applicability.

~~((25.20.020 Repealed.))~~

~~((25.20.030))25.20.020~~ Rate structure for watershed management areas.

~~((25.20.032))25.20.030~~ Bond debt service allocable to former watershed management areas.

~~((25.20.034))25.20.040~~ Rate structure for former watershed management areas.

~~((25.20.035))25.20.060~~ Service charges for lake management.

25.20.070 Exemptions and reductions.

25.20.080 Credits.

~~((25.20.040))25.20.090~~ Billing.

25.20.100 Billing errors.

~~((25.20.050))25.20.110~~ Rate adjustments and appeals.

~~((25.20.060))25.20.120~~ Delinquent service charges.

25.20.130 Waiver of interest and penalties.

~~((25.20.070))25.20.140~~ Special operating ~~((fund))funds~~.

~~((25.20.080))25.20.150~~ Administrative procedures.

~~((25.20.900 Repealed.))~~

~~((25.20.910 Repealed.))~~

25.20.010 Applicability.

The requirements of this chapter shall apply to all real property located within watershed management areas and former watershed management areas.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992; Amended by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Amended Ord. 12-010, Mar. 28, 2012, Eff Jan. 1, 2012).

~~((25.20.020 Watershed management areas.~~

~~Repealed by Amended Ord. 09-121.))~~

~~(Added Ord. 87-040, § 2, July 16, 1987; Amended Ord. 89-046, § 8, May 31, 1989; Amended Ord. 90-095, July 11, 1990; Amended Ord. 92-081, July 27, 1992; Amended Ord. 92-082, July 27, 1992; Reenacted by Ord. 92-126, Dec. 2, 1992; Ord. 03-045, June 11, 2003, Eff date June 26, 2003; Repealed by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009).~~

~~((25.20.030))25.20.020 Rate structure for watershed management areas.~~

(1) The director shall assign all developed real property located in watershed management areas to service charge rate categories according to the land use classification ~~((and/or))~~ and the degree of impervious surface coverage of the real property. The "Index of Land Use Classifications and Rate Categories" dated January 8, 2002, or any revision thereafter compiled by the director, is available in the department of public works and incorporated by this reference. When assigning real property to appropriate service charge rate categories, if portions of any tax parcel or legal lot have been placed into separate taxation categories by the county assessor, the director shall treat each of those separate portions of the tax parcel or legal lot as separate properties and assign an appropriate service charge rate category to each. When assigning the real property to appropriate service charge rate categories, if the property exhibits mixed use, the director shall assign the rate category based on the use associated with the majority of the impervious surface area on the real property or portion thereof.

(2) Except as ~~((otherwise provided in this section,))~~ provided in SCC 25.20.070, SCC 25.20.080, and SCC 25.20.100, developed real property located in watershed management areas shall be subject to annual service charges as follows:

Table 25.20.020(2)(a)

Annual Charge for Residential and Farm

<u>Rate Category</u>	<u>Impervious Surface Coverage</u>	<u>Annual Service Charge</u>
Single Family <u>Residential</u>	<u>N/A</u>	\$90.00 per ((parcel)) <u>dwelling unit</u>
Condominium	<u>N/A</u>	\$81.00 per <u>dwelling unit</u>
Farm ((1 acre maximum charge))	<u>N/A</u>	\$90.00 per parcel ((1/4 acre, up to a maximum of \$360.00))

Table 25.20.020(2)(b)

~~((Retail, Industrial and Other Land Uses))~~Annual Charge for Commercial, Non-residential and Other Uses

<u>Rate Category</u>	<u>Impervious Surface Coverage</u>	<u>Annual Service Charge</u>
Exempt	Less than 1%	\$0.00
Very Light	1% to 19%	\$26.99 per ((1/4)) <u>quarter acre</u>
Light	20% to 39%	\$90.00 per ((1/4)) <u>quarter acre</u>
Moderate	40% to 59%	\$149.95 per ((1/4)) <u>quarter acre</u>
Heavy	60% to 79%	\$203.97 per ((1/4)) <u>quarter acre</u>
Very Heavy	80% to 100%	\$269.97 per ((1/4)) <u>quarter acre</u>

(3) For the period beginning January 1, ~~((2009))~~2016, and ending December 31, ~~((2015))~~2021, the annual service charge for developed real property located in those portions of watershed management areas within ~~((the Urban Growth Areas))~~urban growth areas shall be based on the rates set forth in subsection (2) above, plus the following amounts:

Table 25.20.020(3)

Annual Surcharge for Urban Growth Areas

Rate Category	Additional Annual Urban Growth Area Service Charge
Single Family <u>Residential</u>	\$32.00 per ((parcel)) <u>dwelling unit</u>
Condominium	\$28.80 per <u>dwelling unit</u>
Farm	\$32.00 per ((quarter-acre; one acre maximum)) <u>parcel</u>
Exempt	No charge
Very Light	\$9.60 per quarter acre
Light	\$32.00 per quarter acre
Moderate	\$53.32 per quarter acre
Heavy	\$72.52 per quarter acre
Very Heavy	\$95.99 per quarter acre

(a) The service charges established in subsection (2) above represent the base rate. All service charges collected under this subsection (3), less the base rate applicable each year, shall be used solely for ~~((Surface Water Management drainage improvement))~~surface water management projects ~~((located in))~~related to impacts originating from or providing benefit to those portions of ~~((Watershed Management Areas))~~watershed management areas within ~~((Urban Growth Areas))~~urban growth areas.

(b) The first priority for expenditure of service charges collected under this subsection shall be capital projects as listed in the ~~((S))~~surface ~~((W))~~water ~~((M))~~management ~~((A))~~annual ~~((C))~~construction ~~((P))~~program~~((Surface Water Management Annual Construction Program))~~surface water management annual construction program.

~~((4))~~ The following types of real property shall be exempt from annual service charges:

(a) Real property that is owned by, and is the personal residence of, a person or persons approved by the county assessor for a senior citizen or disabled persons property tax exemption under RCW 84.36.381. Any person eligible for this low income senior citizen or disabled persons exemption shall be provided a refund of annual service charges for the subject property for the first year the exemption is sought and for up to three prior years; PROVIDED, that eligibility for each year has been approved by the Assessor's office.

(b) Real property that is owned by a "public benefit nonprofit corporation," as defined by RCW 24.03.490 and is used as a cemetery, provided the property does not discharge stormwater off-site through constructed conveyance facilities and a fifty foot vegetated buffer is maintained on the property along any waterbody that drains to a fishbearing stream or lake.

(c) Real property taxed as forest land under chapter 84.33 RCW, as timber land under chapter 84.34 RCW, or as open space land under chapter 84.34 RCW.

(5) The rate charged for state highway right-of-way shall be thirty percent of the rate for comparable real property in terms of impervious surface coverage, or as otherwise provided by RCW 90.03.525.

(6) The rate charged for county rights-of-way or municipal rights-of-way shall be the same as the rate for comparable real property in terms of impervious surface coverage, except that the director may determine that up to seventy percent of the amount due can be paid through in-kind services, as provided by RCW 36.89.085. In-kind services include, but are not limited to, the construction, operation, and maintenance of stormwater control facilities designed to control surface water or storm water runoff.

(7) The rate charged for real property with a commercial rainwater harvesting system shall be reduced from the rate set out in this section by a fraction equal to the storage volume of the rainwater harvesting system divided by the mean annual runoff volume generated by the total impervious surface area of the property.))

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, December 2, 1992; Amended Ord 96-094, January 13, 1997; Eff date January 27, 1997; Amended Ord. 97-111, November 24, 1997, Eff date January 1, 1998; Amended Ord 01-057 August 22, 2001, Eff date January 1, 2002; Amended Ord 02-018 June 12, 2002, Eff date January 1, 2003; Amended Ord. 02-076, November 20, 2002, Eff date January 1, 2003, Amended Ord. 02-073, December 4, 2002, Eff date January 1, 2003; Ord. 03-045, June 11, 2003, Eff date June 26, 2003; Ord. 03-136, November 19, 2003, Eff date Jan. 1, 2004; Ord. 05-102, October 26, 2005, Eff date November 6, 2005; Amended by Amended Ord. 07-094, Oct. 31, 2007, Eff date Dec. 1, 2007; Amended by Amended Ord. 08-123, Nov. 17, 2008, Eff date Jan. 1, 2009; Amended by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Amended Ord. 12-011, Mar. 28, 2012, Eff date Jan. 1, 2012).

~~((25.20.032))~~25.20.030 Bond debt service allocable to former watershed management areas.

As provided in RCW 36.89.120, whenever a city or town annexes an area, or a city or town incorporates an area, and the county has issued revenue bonds or general obligation bonds to finance storm and surface water management~~((control))~~ facilities that are payable in whole or in part from rates or charges imposed in the area, the county shall continue imposing all portions of the rates or charges that are allocated to payment of the debt service on bonds in that area after the effective date of the annexation or official date of the incorporation until: (1) The debt is retired; (2) any debt that is issued to refinance the underlying debt is retired; or (3) the city or town reimburses the county an amount that is sufficient to retire that portion of the debt borne by the annexed or incorporated area. The county shall construct all facilities included in the storm and surface water management plan intended to be financed by the proceeds of such bonds. If the county provides storm and surface water management services to the city or town by contract, the contract shall consider the value of payments made by property owners to the county for the payment of debt service. The rates to be charged under this section are provided in SCC ~~((25.20.034))~~25.20.040.

(Added by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009)

~~((25.20.034))~~25.20.040 Rate structure for former watershed management areas.

(1) The director shall assign all developed real property located in former watershed management areas to service charge rate categories according to the land use classification ~~((and/or))~~ and the degree of impervious surface coverage of the real property. The "Index of Land Use Classifications and Rate Categories" dated January 8, 2002, or any revision thereafter compiled by the director, is available in the department of public works and incorporated by this reference. When assigning real property to appropriate service charge rate categories, if portions of any tax parcel or legal lot have been placed into separate taxation categories by the county assessor, the director shall treat each of those separate portions of the tax parcel or legal lot as separate properties and assign an appropriate service charge rate category to each. When assigning the real property to appropriate service charge rate categories, if the property exhibits mixed use, the director shall assign the rate category based on the use associated with the majority of the impervious surface area on the real property.

(2) Except as provided in SCC 25.20.070 (1) through (3) and SCC 25.20.100, ~~((otherwise provided in this section,))~~ all developed real property in all former watershed management areas shall be subject to annual service charges as follows:

(a) ~~((Real))~~ Developed real property located in the South County ~~((former watershed management area))~~ Former Watershed Management Area shall be subject to the following annual service charges for bond debt payment under RCW 36.89.120:

Table ~~((25.20.034(2)(a)))~~25.20.040(2)(a)

Annual Service Charge for South County Former Watershed Management Area

Rate Category	Rate
Single Family <u>Residential</u>	\$12.07 per ((parcel)) <u>dwelling unit</u>
Condominium	\$10.86 per <u>dwelling unit</u>
Farm	\$12.07 per ((quarter acre, one acre

Rate Category	Rate
	maximum))parcel
Exempt	No charge
Very Light	\$3.62 per quarter acre
Light	\$12.07 per quarter acre
Moderate	\$20.13 per quarter acre
Heavy	\$27.37 per quarter acre
Very Heavy	\$36.21 per quarter acre

(b) ((Real))Developed real property located in the Snohomish ((former watershed management area))Former Watershed Management Area shall be subject to the following annual service charges for bond debt payment under RCW 36.89.120:

Table ((25.20.034(2)(b)))25.20.040(2)(b)
((Annual Service Charge for Snohomish Former Watershed Management Area))
Annual Service Charge for Snohomish Former Watershed Management Area

Rate Category	Rate
Single Family <u>Residential</u>	\$15.01 per ((parcel))dwelling unit
Condominium	\$13.51 per dwelling unit
Farm	\$15.01 per ((quarter acre, one acre maximum))parcel
Exempt	No charge
Very Light	\$4.50 per quarter acre
Light	\$15.01 per quarter acre
Moderate	\$25.04 per quarter acre
Heavy	\$34.04 per quarter acre
Very Heavy	\$45.04 per quarter acre

((e))((3)) A reasonable administrative fee in an amount sufficient to reimburse the county for its actual, reasonable costs of performing administrative functions related to the service charges shall be added to the amount charged.

((d))Periodic adjustment to the above rates may be made when necessary to meet the annual debt service payments, as the bonds are retired or refinanced.)

(4) Rights-of-way owned by the state shall be subject to annual service charges to the extent permitted by law.

(5) Service charges collected under this section shall be used solely for purposes permitted by RCW 36.89.120.

((3)) Exemptions. The following types of real property shall be exempt from annual service charges:

(a) Real property that is owned by, and is the personal residence of, a person or persons approved by the county assessor for a senior citizen or disabled persons property tax exemption under RCW 84.36.381. Any person eligible for this low income senior citizen or disabled persons exemption shall be provided a refund of annual service charges for the subject property for the first year the exemption is sought and for up to three prior years; PROVIDED, that eligibility for each year has been approved by the Assessor's office.

(b) Real property that is owned by a "public benefit nonprofit corporation," as defined by RCW 24.03.490 and is used as a cemetery, provided the real property does not discharge stormwater off-site through constructed conveyance facilities and a fifty foot vegetated buffer is maintained on the property along any waterbody that drains to a fishbearing stream or lake.

(c) Real property taxed as forest land under chapter 84.33 RCW, as timber land under chapter 84.34 RCW, or as open space land under chapter 84.34 RCW.

(4) State highway rights-of-way shall be subject to annual service charges to the extent permitted by law.

(5) The rate charged for municipal rights-of-way shall be the same as the rate for comparable real property in terms of impervious surface coverage, except that the director may determine that up to seventy percent of the amount due can be paid through in-kind services, as provided by RCW 36.89.085. In-kind services include, but are not limited to, the construction, operation, and maintenance of stormwater control facilities designed to control surface water or storm water runoff.))

(Added by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Amended Ord. 12-010, Mar. 28, 2012, Eff date Jan. 1, 2012)

((25.20.035))25.20.060 Service charges for lake management.

(1) ((Beginning on January 1, 2007, each))Each developed tax parcel abutting the shore of Lake Stevens in the Snohomish ~~((watershed management area))~~Watershed Management Area shall be subject to an annual service charge. The charge imposed under this section shall be in addition to the annual service charges established in SCC ~~((25.20.030))~~25.20.020 and shall be for the purpose of managing the water quality and quantity of Lake Stevens in accordance with RCW 36.89.080 and RCW 36.89.130.

(2) The rate categories and annual service charges for parcels abutting Lake Stevens shall be as follows:

Table 25.20.060(2)

Annual Service Charge for Lake Management

Rate Category	Annual Service Charge
Lake Front Lot	\$120.00 per parcel
Split Lot	\$85.00 per parcel
Community Beach Lot	\$12.00 per parcel
((Undeveloped Lot))	((Exempt))

(3) The lake front lot rate category applies to each land parcel abutting the lake shore and located entirely between the lake shore and the adjacent county road. The split lot rate category applies to each land parcel with a portion of the lot abutting the lake shore and a portion of the lot separated from the lake shore by the county road. The community beach lot rate category applies to each land parcel having an undivided ownership interest in a lake front parcel used for common beach access. ~~((Undeveloped lots include lake front, split lots, and community beach lots that are not developed.))~~

(4) All service charges collected under this section shall be used solely for cooperative watershed management actions for purposes of water quality and water resource management pursuant to one or more intergovernmental agreements as authorized by RCW 36.89.130.

(5) The department of public works shall maintain and make available to the public a detailed map of the tax parcels subject to the service charges established in this section.

~~((6) The rate charged for a parcel with a commercial rainwater harvesting system shall be reduced from the rate set out in this section by a fraction equal to the storage volume of the rainwater harvesting system divided by the mean annual runoff volume generated by the total impervious surface area at the parcel.))~~

(Added Ord. 06-125, December 13, 2006, Eff date Dec. 28, 2006)

25.20.070 Exemptions and reductions.

(1) The following types of real property shall be exempt from annual service charges:

(a) Real property that is owned by, and is the personal residence of, a person or persons approved by the county assessor for a senior citizen or disabled persons property tax exemption under RCW 84.36.381.

(b) Real property that is owned by a "public benefit nonprofit corporation," as defined by RCW 24.03.490, and is used as a cemetery, provided the real property does not discharge storm water off site through constructed conveyance facilities and a 50-foot vegetated buffer is maintained on the property along any water body that drains to a fish bearing stream or lake.

(c) Real property taxed as forest land under chapter 84.33 RCW, as timber land under chapter 84.34 RCW, or as open space land under chapter 84.34 RCW.

(2) The rate charged for right-of-way owned by the state shall be 30 percent of the rate for comparable real property in terms of impervious surface coverage, or as otherwise provided by RCW 90.03.525.

(3) Service charges imposed on rights-of-way owned by the county or municipalities under authority of chapter 36.89 RCW shall be at the same rate as the rate for comparable real property in terms of impervious surface coverage, except that the director may determine that up to 70 percent of the amount due can be paid through in kind services, as provided in RCW 36.89.085. In kind services include, but are not limited to, the construction, operation, and maintenance of storm and surface water management facilities designed to control surface water or storm water runoff.

(4) The rate charged for real property with a commercial rainwater harvesting system shall be reduced from the rate set out in this chapter by a fraction equal to the storage volume of the rainwater harvesting system divided by the mean annual runoff volume generated by the total impervious surface area of the property.

25.20.080 Credits.

Real property located in watershed management areas may be eligible for reductions in service charges as described below:

(1) For real property having a rate category of light, moderate, heavy, or very heavy, the rate category shall be reduced one category if the storm water runoff discharges into an onsite storm and surface water management facility built to comply with the detention and water quality regulations and standards set forth in chapter 30.63A SCC, and said facility is adequately operated and maintained by the property owner.

(2) For real property having a rate category of light, moderate, heavy, or very heavy, the rate category shall be reduced one category if the site contains wholly or partly, an aquatic system that complies with the detention and water quality regulations and standards set forth in chapter 30.63A SCC, and said aquatic system is maintained in its natural state by the property owner.

(3) For real property located in a watershed management area, if all or any portion of the real property is regulated by a valid and active permit issued by the Washington State Department of Ecology or the federal Environmental Protection Agency pursuant to the National Pollutant Discharge Elimination System (NPDES) permit program established by the federal Clean Water Act, codified at 33 U.S.C. § 1251 et seq., then the portion of the annual service charges imposed pursuant to SCC 25.20.020 and SCC 25.20.060 under authority of chapter 36.89 RCW shall be reduced by 35%. This rate adjustment shall not be available to real property that is a right-of-way owned by a municipality, the county, or the state subject to the rates provided in SCC 25.20.070(2) or SCC 25.20.070(3). The property owner requesting a rate adjustment under this subsection (3) shall provide the director with sufficient documentation to verify that the real property at issue is subject to a valid NPDES permit. The property owner shall also provide the director with written notice promptly upon the expiration of or other termination of coverage under the NPDES permit.

(4) Public and private schools that provide water quality or watershed instruction approved by the director shall be given credit equal to the dollar value of the instruction offered. This credit shall be applied against the annual service charge billed under the authority of chapter 36.89 RCW. This annual credit shall not exceed the annual service charge authorized by chapter 36.89 RCW.

(5) Pursuant to RCW 85.38.160, real property within diking, drainage, or flood control districts shall be given a credit equal to the dollar value of the annual special district assessment. This credit shall be applied against the annual service charge billed under the authority of chapter 36.89 RCW. This annual credit shall not exceed the annual service charge authorized by chapter 36.89 RCW.

(6) Except for automatic credits granted pursuant to subsections (3) and (5) above, credits granted under this section shall be subject to renewal every two years in accordance with administrative procedures developed by the director pursuant to SCC 25.20.150.

((25.20.040))25.20.090 Billing.

(1) All real property subject to service charges shall be assessed annually on January 1st based upon the rate categories and ((acreage))property characteristics then applicable to the real property and at the rates ((as)) set forth in SCC ((25.20.030))25.20.020, SCC ((25.20.034))25.20.040 and SCC ((25.20.035))25.20.060.

(2) ((In order to))To minimize administrative costs, where feasible, the billing statement for service charges imposed under this title shall be included on the annual property tax statement for the real property at issue. To further reduce administrative costs, the director ((shall))may use alternative billing systems for the purposes of

1 billing local, state and federal government agencies. The director may elect to use alternative billing methods for
2 the ~~((purposes))~~purpose of billing ~~((local government agencies))~~other property owners with real property in the
3 watershed management areas or former watershed management areas where alternative methods provide for
4 greater administrative convenience.

5 (3) All service charges billed on the annual property tax statement shall be due and payable on or before the
6 ~~((thirtieth))~~30th day of April and, except as provided in this section, shall be delinquent after that date. If ~~((one~~
7 ~~half))~~one half of the service charge owed is paid on or before the ~~((thirtieth))~~30th day of April, the remainder of such
8 service charge shall be due and payable on or before the ~~((thirty first))~~31st day of October following and shall be
9 delinquent after that date. Service charges billed under alternative methods shall be due within the calendar year in
10 which they are billed on such date as set by the director.

11 (4) If a payment is received in conjunction with a combined property tax and service charge, and the payment is
12 less than the sum of the total property tax plus the total service charge, or less than the sum of one-half of the
13 property tax plus one-half of the service charge, and unless otherwise specified by the owner of the real property at
14 issue, the payment shall be applied first to the annual property tax due for the real property, pursuant to the
15 provisions of chapter 84.56 RCW, and any remaining amount to the service charge due for the real property.

16 (Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992; Amended Ord. 99-109,
17 § 1, Dec. 1, 1999, Eff date Jan. 1, 2000; Ord. 06-125, December 13, 2006, Eff date December 28, 2006;
18 Amended by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Amended Ord.
19 12-010, Mar. 28, 2012, Eff date Jan. 1, 2012).

20 **25.20.100 Billing errors.**

21 If there is an error in billing, such as a mistake regarding the acreage, impervious surface coverage, watershed
22 boundary, rate category, or land use classification of the real property at issue, the director shall correct the error.
23 Refunds, if any, shall be in accordance with SCC 25.20.110(4).

24 **~~((25.20.050))~~25.20.110 Rate adjustments and appeals.**

25 (1) Any person receiving a billing statement for water quality restoration and storm and surface water
26 management service charges pursuant to SCC 25.20.020 or SCC 25.20.060 and making a timely payment thereof
27 may apply to the ~~((department of public works))~~director for a rate adjustment ~~((by demonstrating that one or more of~~
28 ~~the following situations is applicable))~~based on any of the circumstances listed in SCC 25.20.070, SCC 25.20.080
29 or SCC 25.20.100.

30 (2) Any person receiving a billing statement for water quality restoration and storm and surface water
31 management service charges pursuant to SCC 25.20.040 and making a timely payment thereof may apply to the
32 director for a rate adjustment based on any of the circumstances listed in SCC 25.20.070(1) through (3) or SCC
33 25.20.100.

34 ~~((a))~~ There is an error in billing, such as a mistake regarding the acreage, impervious surface coverage,
35 watershed boundary, rate category, or land use classification of the real property at issue.

36 (b) For real property located in a watershed management area and having a rate category of light,
37 moderate, heavy, or very heavy, the rate category shall be reduced one category if the stormwater runoff from the
38 real property discharges into an on-site stormwater control facility built to comply with the detention and water
39 quality regulations and standards set forth in the Snohomish County drainage ordinance, chapter 30.63A SCC, and
40 said facility is adequately operated and maintained by the owner.

41 (c) For real property located in a watershed management area and having a rate category of light,
42 moderate, heavy, or very heavy, the rate category shall be reduced one category if the site contains, wholly or
43 partly, an aquatic system that complies with the detention and water quality regulations and standards set forth in
44 the Snohomish County drainage ordinance, chapter 30.63A SCC, and said aquatic system is maintained in its
45 natural state by the property owner.

46 (d) For real property located in a watershed management area, if all or any portion of a particular parcel of
47 real property is regulated by a valid and active permit issued by the Washington State Department of Ecology or the
48 federal Environmental Protection Agency pursuant to the National Pollutant Discharge Elimination System permit
49 program established by the federal Clean Water Act, codified at 33 U.S.C. 1251 et seq., then the annual service
50 charges for such real property under SCC 25.20.030 and 25.20.035 shall be reduced by 35 percent; provided,
51 however, that this rate adjustment shall not be available to real property that is a municipal, county, or state
52 highway right-of-way subject to the rates provided in SCC 25.20.030(5) or (6). The property owner requesting a rate
53 adjustment under this subsection (1)(d) shall provide the director with sufficient documentation to verify that the real

property at issue is subject to a valid NPDES permit. The property owner shall also provide the director with written notice promptly upon the expiration of or other termination of coverage under the NPDES permit.

~~((2))~~(3) Applications for rate adjustments shall be made to the director. The burden of proof shall be on the applicant to show that the rate adjustment sought should be granted. The director shall make a written decision on an application for rate adjustment within ~~((30))~~60 days after receipt of the application, except when additional information is needed in which case the ~~((decision shall be made within 90 days after receipt of the application))~~ director shall provide the applicant with an estimated timeline for a written decision. The estimate shall be based on reasonable limits for obtaining the required information to render a decision. In the event that the applicant does not provide the additional information needed, the director shall notify the applicant that the application is cancelled. The director may also initiate a rate adjustment or correct a billing error for a property at any time when new information becomes available to the ~~((department))~~ director.

~~((3))~~(4) Applications for rate adjustments submitted pursuant to ~~((subsection (1)(a) of this section))~~ SCC 25.20.100 must be ~~((made))~~ submitted within three years of the date of payment of the water quality restoration and storm and surface water management service charges. Applications for rate adjustments submitted pursuant to ~~((subsection (1)(b), (1)(c) or (1)(d) of this section))~~ SCC 25.20.070 or SCC 25.20.080 must be ~~((made))~~ submitted by April 30th to be effective for the current billing year. Applications for rate adjustments submitted pursuant to ~~((subsection (1)(b), (1)(c) or (1)(d) of this section))~~ SCC 25.20.070 or SCC 25.20.080 received after April 30th shall only be effective for subsequent years. If the director grants an adjustment which reduces the charge for the current year, or, for requests submitted pursuant to ~~((subsection (1)(a) of this section))~~ SCC 25.20.100 only, for up to three prior years, the applicant shall be refunded the amount overpaid with interest at the rate specified in RCW 84.69.100, as set forth in WAC 458-18-220 or any successor regulation thereto. If the director determines that an adjustment should be made which increases the service charge due for the current year, an amended bill shall be issued and the applicant shall submit the additional ~~((charge))~~ amount due within ~~((45))~~30 days of the ~~((decision date))~~ notice of additional service charge.

(5) Any person eligible for the low income senior citizen or disabled persons exemption from service charges under SCC 25.20.070(1)(a) shall be provided a refund of annual service charges for the subject property for the current year and up to three prior years when eligibility for each year has been approved by the assessor's office.

~~((4))~~(6) Except for requests submitted pursuant to ~~((subsection (1)(a) of this section))~~ SCC 25.20.070(1)(a) or SCC 25.20.100, rate adjustments ~~((granted))~~ shall not be retroactive ~~((to prior years))~~ and are subject to renewal every two years.

~~((5))~~(7) Decisions of the director on applications for rate adjustments shall be in writing and shall be final ~~((unless appealed to the superior court of Snohomish County by writ of certiorari within 30 days of the decision date))~~.

(Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992; Amended Ord. 02-073, December 4, 2002, Eff date January 1, 2003; Ord. 02-098, Dec. 9, 2002, Eff date Feb 1, 2003; Amended by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Ord. 10-117, Jan. 12, 2011, Eff date Jan. 24, 2011; Amended by Amended Ord. 12-010, Mar. 28, 2012, Eff date Jan. 1, 2012; Amended by Amended Ord. 13-010, April 10, 2013, Eff date Jan. 1, 2013).

~~((25.20.060))~~25.20.120 Delinquent service charges.

(1) Service charges imposed by this title that remain unpaid in whole or in part, when due pursuant to SCC 25.20.090, shall be considered delinquent.

~~((4))~~(2) Service charges, or any ~~((part))~~ portions thereof, which become delinquent under ~~((the provisions of SCC 25.20.040))~~ subsection (1) above shall bear interest at the rate 12 percent per annum computed on a monthly basis from the date of delinquency until paid, as provided by RCW ~~((36.89.092))~~84.56.020(5). ~~((Pursuant to RCW 36.94.150,))~~

(3) As provided in RCW 84.56.020(5), penalties shall be imposed upon ~~((delinquent))~~ service charges, or portions thereof, that become delinquent under subsection (1) above as follows:

(a) A penalty of ~~((three))~~3 percent of the ~~((full annual charge imposed on a parcel by SCC 25.20.030, SCC 25.20.034, or 25.20.035))~~ amount delinquent shall be ~~((assessed))~~ imposed on any service charges, or portions thereof, that are delinquent on June 1st of the year in which the service charges are due.

(b) An additional penalty of ~~((seven))~~8 percent of the ~~((full annual charge))~~ amount delinquent shall be ~~((assessed))~~ imposed on any service charges, or portions thereof, that are delinquent on December 1st of the year in which the service charges are due. ~~((Notwithstanding these provisions, the total amount of penalties imposed under this section in any year shall not exceed 10 percent of the full annual charges imposed upon a particular property.))~~

1 ~~((2))~~ The county shall have a lien for delinquent)

2 (4) As provided by RCW 84.60.010, service charges, or portions thereof, that become delinquent under
3 subsection (1) above, including interest and penalties ~~((thereon,))~~ shall constitute a lien against the ~~((against~~
4 ~~any))~~ real property ~~((for which service charges are delinquent. As authorized by RCW 36.94.150, the director shall~~
5 ~~certify delinquencies to the County Auditor periodically at which time the lien shall attach. The county's))~~ upon which
6 they are imposed. As provided by RCW 84.60.020, such lien shall attach on the first day of January in the year in
7 which the service charges are assessed and shall continue until the service charges, including any interest and
8 penalties, are paid in full. The county's lien for delinquent service charges shall be superior to all other liens and
9 encumbrances except general taxes and local and special assessments.

10 ~~((3))~~(5) ~~((The))~~ As provided in RCW 84.64.050, after the expiration of three years from the date on which
11 service charges, or portions thereof, become delinquent under subsection (1) above, the county treasurer
12 ~~((may))~~ shall foreclose the ~~((lien in the same manner as the foreclosure of real property tax liens. Costs associated~~
13 ~~with the-))~~ liens arising pursuant to this section in the county's annual tax foreclosure action under chapter 84.64
14 RCW. Costs of collection and foreclosure ~~((of the lien, including but not limited to advertising, title report, and~~
15 ~~personnel costs-))~~ shall be ~~((added to))~~ included in the amount of the lien ~~((upon filing of the foreclosure action and~~
16 ~~the court may allow the county a reasonable attorney's fee, as provided in RCW 36.94.150)).~~ Approval by the
17 county council shall be required prior to any foreclosure action taken by the county treasurer which involves only
18 delinquent charges under subsection (1) above. The department shall provide such approval to the county
19 treasurer by February 1st of the foreclosure year. The department shall reimburse the county treasurer for the
20 department's share of all costs incurred from collection and/or foreclosure under this section.

21 (6) When the county treasurer does not take foreclosure action pursuant to subsection (5) above, the director
22 shall take any and all lawful means to collect the delinquent service charge, or portions thereof, that become
23 delinquent under subsection (1) above. The amount collected shall include all accrued interest and penalties, as
24 well as the costs of collection.

25 (7) Nothing herein shall be deemed to require the county treasurer to foreclose on a lien created hereunder in a
26 manner that is more frequent or inconsistent with other lien foreclosure procedures and the costs related thereto.

27 (Added Ord. 87-040, § 2, July 16, 1987; Amended Ord. 92-124, Dec. 2, 1992; Reenacted by Ord. 92-
28 126, Dec. 2, 1992; Amended Ord. 99-109, § 2, Dec. 1, 1999, Eff date Jan. 1, 2000; Ord. 06-125,
29 December 13, 2006, Eff date December 28, 2006; Amended by Amended Ord. 09-121, Dec. 16, 2009, Eff
30 date Dec. 28, 2009; Amended by Ord. 10-117, Jan. 12, 2011, Eff date Jan. 24, 2011).

31 **25.20.130 Waiver of interest and penalties.**

32 The director may waive interest and penalties on service charges, or portions thereof, which become delinquent
33 under SCC 25.20.120(1) under any of the following conditions:

34 (1) As provided by RCW 84.56.025.

35 (2) When the property owner does not receive a service charge billing due to incorrect address information in
36 county records.

37 (3) As part of a lawful collection action by the director upon consideration of the following criteria:

38 (a) The property owner's ability to pay;

39 (b) The ability of the county to collect the delinquency; and

40 (c) The cost to the department in collection efforts.

41 **~~((25.20.070))~~25.20.140 Special operating ~~((fund))~~funds.**

42 (1) Except as provided in ~~((SCC 25.20.070(3)))~~ subsection (3) below, all service charges collected from
43 watershed management areas shall be deposited in a special fund in the department of finance. The funds
44 generated thereby shall be used only for the purpose of paying all or any part of the cost of establishing,
45 administering, maintaining and operating the storm and surface water (water quality restoration and water quantity)
46 management program created by this title, including, but not limited to, the costs for planning, designing,
47 establishing, acquiring, developing, constructing and improving needed facilities and features, or to pay or secure
48 the payment of all or any portion of any issue of general obligations, councilmanic or revenue bonds issued for such
49 purpose.

50 (2) All service charges collected from former watershed management areas shall be deposited in a special fund
51 in the department of finance. The funds generated thereby shall be used only for purposes permitted by RCW
52 36.89.120.

1 (3) The funds generated by service charges collected from watershed management areas under SCC
2 ~~((25.20.035))~~ 25.20.050 shall be used solely for cooperative watershed management actions for purposes of water
3 quality and water resource management pursuant to one or more intergovernmental agreements as authorized by
4 RCW 36.89.130.

5 (Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992; Ord. 06-125,
6 December 13, 2006, Eff date December 28, 2006; Amended by Amended Ord. 09-121, Dec. 16, 2009, Eff
7 date Dec. 28, 2009).

8 **~~((25.20.080))~~ 25.20.150 Administrative procedures.**

9 Pursuant to chapter 2.68 SCC, the director is authorized to develop administrative procedures relating to the
10 provisions of this title.

11 (Added Ord. 87-040, July 16, 1987; Reenacted by Ord. 92-126, Dec. 2, 1992).

12 **~~((25.20.900~~ Effective date and phasing.**

13 ~~Repealed by Amended Ord. 09-121.))~~

14 (Added Ord. 87-040, July 16, 1987; Amended Ord. 90-095, July 11, 1990; Amended Ord. 92-081, July 27,
15 1992; Amended Ord. 92-082, July 27, 1992; Reenacted by Ord. 92-126, Dec. 2, 1992; Ord. 03-045, June
16 11, 2003, Eff date June 26, 2003; Repealed by Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28,
17 2009).

18 **~~((25.20.910~~ Severability.**

19 ~~Repealed by Amended Ord. 09-121.))~~

20 (Added Ord. 87-040, § 2, July 16, 1987; Reenacted by Ord. 92-126, December 2, 1992; Repealed by
21 Amended Ord. 09-121, Dec. 16, 2009, Eff date Dec. 28, 2009).

Exhibit 2—Title 25A SCC Revisions

Title 25A

WATER QUALITY RESTORATION AND WATER QUANTITY MANAGEMENT

Chapters:

25A.05 General Provisions

25A.10 Definitions

25A.20 Charges for Water Quality Restoration and Water Quantity Management Services

25A.30 Advisory Board

Chapter 25A.05

GENERAL PROVISIONS

Sections:

25A.05.010 Purpose.

25A.05.020 Authority.

25A.05.030 Program established.

25A.05.040 Content of a watershed management plan.

25A.05.050 Liability.

25A.05.060 Severability.

25A.05.010 Purpose.

It is the purpose and intent of this title~~((to))~~:

(1) ~~((Establish))~~To establish a water quality restoration and storm and surface water (water quantity) management program for Snohomish ~~((county))~~County to be administered by the Snohomish ~~((county department of public works))~~County Department of Public Works;

(2) ~~((Create))~~To create a service ~~((areas))~~area defined by ordinance to be known as the ~~((“Clean Water Districts”))~~“clean water district”;

(3) ~~((Provide))~~To provide a comprehensive approach to managing ~~((and regulating-))~~ surface water ~~((in order))~~ to respect and preserve the county's rivers, streams, lakes, and other ~~((water bodies))~~water bodies; protect and restore water quality; control, accommodate, and discharge storm runoff; provide for groundwater recharge; control sediment; stabilize erosion; monitor water quality and stream flow; and rehabilitate stream and drainage corridors for hydraulics, aesthetics, and fisheries benefits;

(4) ~~((Restore))~~To restore water quality in saltwater tidelands to allow the upgrading of conditionally approved, restricted, and prohibited shellfish beds;

(5) ~~((Facilitate))~~To facilitate the preparation and implementation of comprehensive watershed action plans~~((;))~~ and watershed management plans~~((, and lake restoration plans))~~;

(6) ~~((Recognize))~~To recognize that programs to restore water quality and manage storm and surface water (water quantity) will vary from watershed to watershed and that specific watershed management needs may be determined or refined when watershed action plans~~((;))~~ and watershed management plans~~((, or lake restoration plans;))~~ are developed or revised; and

(7) ~~((Foster))~~To foster interagency cooperation on water quality restoration and storm and surface water (water quantity) management issues because watersheds do not conform to political boundaries.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

25A.05.020 Authority.

(1) Pursuant to chapter 36.89 RCW, chapter 90.72 RCW, and the Snohomish ~~((county home rule charter))~~County Home Rule Charter, Snohomish ~~((county))~~County is authorized to provide water quality restoration and storm and surface water (water quantity) management services throughout unincorporated Snohomish ~~((county))~~County and within its cities and towns for the benefit of all county residents.

Service District Reassessment Study:

Amendments to Titles 25 and 25A SCC

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(2) Whenever necessary to examine the property characteristics of a particular parcel of real property for the determination of rates and charges, the director may enter said property or portion thereof at reasonable times in compliance with the following procedures:

(a) If such real property or portion thereof is occupied, the director shall present identification credentials, state the reason for entry, and request entry.

(b) If such property or portion thereof is unoccupied, the director shall first make a reasonable effort to locate the property owner or other persons having charge or control of the real property or portion thereof, and request entry.

(c) Unless entry is consented to by the property owner or person in control of any real property or portion thereof, the director, prior to entry, shall obtain a search warrant as authorized by the laws of the state of Washington.

(3) The director shall have the authority to enter into an agreement or agreements with any property owner for any lawful purpose under this title, including, but not limited to, the creation and maintenance of drainage easements.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Amended by Amended Ord. 07-093, Oct. 31, 2007, Eff Date Nov. 25, 2007).

25A.05.030 Program established.

There is hereby established a water quality restoration and storm and surface water (water quantity) management program to provide water quality restoration and storm and surface water (water quantity) management services, facilities, and regulations within Snohomish ((county))County. The program shall be administered by the Snohomish ((county department of public works))County Department of Public Works. The program shall be described in the county's budget and may include, but shall not be limited to, the following elements: preparing and implementing watershed action plans, watershed management plans((, non-point source pollution prevention plans, lake restoration plans, lake management plans, and comprehensive flood hazard management plans)); complying with federal, state, and local water quality regulations; developing and implementing public involvement and education activities; performing water quality and ((streamflow))stream flow monitoring; developing, proposing, and analyzing policies and regulations; inventorying, rehabilitating, and restoring drainage systems; investigating drainage problems; planning, designing, establishing, acquiring, developing, constructing, maintaining, and improving needed water ((pollution control))quality and ((stormwater control))storm and surface water management facilities; administering programs; imposing and collecting fees, rates, and charges; participating in and expending revenue on cooperative management actions and watershed management partnerships for purposes of water supply, water quality, and water resource and habitat protection and management; receiving grants, loans, taxes, and other revenues; and paying for or securing general obligation, councilmanic, or revenue bonds issued for any such purposes.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Amended Ord. 07-015, March 21, 2007, Eff date April 7, 2007).

25A.05.040 Content of a watershed management plan.

Each watershed management plan shall consist of a detailed analysis of a drainage basin including, but not limited to, a comparison of the capabilities and needs for runoff accommodation due to various combinations of development, land use, structural and non-structural management, alternatives, and recommendations as to the form, location and extent of quantity and quality control measures which would satisfy legal constraints, water quality standards, and community standards. The plan shall also identify the institutional and funding requirements for plan implementation.

25A.05.050 Liability.

Administration of this title shall not be construed to create the basis for any liability on the part of the county, its appointed and elected officials, and employees while working within the scope of their duties, for any action or inaction thereof authorized or done in connection with the implementation of this title.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

25A.05.060 Severability.

If any provision of this title, or its application to any person or circumstances, is held invalid, the remainder of this title, or the application of the provisions to other persons or circumstances, shall not be affected.
(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

**Chapter 25A.10
DEFINITIONS**

Sections:

- 25A.10.010 Application of definitions.
- 25A.10.020 Aquatic system.
- ~~((25A.10.030))~~25A.10.025 Clean water ~~((districts))~~district.
- ~~25A.10.030 Commercial~~
- ~~((25A.10.035))~~25A.10.040 Commercial rainwater harvesting system.
- ~~((25A.10.037 County right-of-way.))~~
- 25A.10.050 Developed real property.
- ~~((25A.10.040))~~25A.10.060 Director.
- ~~((25A.10.050))~~25A.10.070 Drainage basin.
- 25A.10.080 Farm.
- ~~((25A.10.057))~~25A.10.090 Former clean water ~~((districts))~~district.
- ~~((25A.10.060))~~25A.10.100 Impervious surfaces.
- 25A.10.110 Improved.
- ~~((25A.10.070))~~25A.10.120 Land use classifications.
- ~~((25A.10.073))~~25A.10.130 Mean annual rainfall depth.
- ~~((25A.10.075))~~25A.10.140 Mean annual runoff volume.
- 25A.10.150 Mixed use property.
- ~~((25A.10.078 Municipal right-of-way.))~~
- ~~((25A.10.080))~~25A.10.160 Non-point source pollution.
- 25A.10.170 Non-residential and other use.
- 25A.10.180 Ordinary residential improvement.
- ~~((25A.10.090))~~25A.10.190 Property owner~~((of record))~~.
- ~~((25A.10.100))~~25A.10.200 Rates.
- 25A.10.210 Residential.
- 25A.10.220 Right-of-way.
- ~~((25A.10.110))~~25A.10.230 Service charges.
- ~~((25A.10.120 State highway right-of-way.))~~
- ~~((25A.10.130))~~25A.10.240 Storm~~((water control))~~ and surface water management facilities.
- ~~((25A.10.170))~~25A.10.250 ~~((Water quantity))~~Storm and surface water (water quantity) management ~~((activities))~~services.
- 25A.10.260 Storm water.
- 25A.10.270 Surface water.
- ~~((25A.10.140))~~25A.10.280 Water ~~((pollution control))~~quality management facilities.
- ~~((25A.10.150))~~25A.10.290 Water quality restoration ~~((activities))~~services.
- ~~((25A.10.160 Water quality restoration and water quantity management services.))~~
- ~~((25A.10.180))~~25A.10.300 Watershed.
- ~~((25A.10.190))~~25A.10.310 Watershed action plan or watershed management plan.

25A.10.010 Application of definitions.

Unless clearly stated otherwise, the definitions in this chapter apply throughout this title.
(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

25A.10.020 Aquatic system.

Puget Sound, bays, tidelands and other salt waters, rivers, streams, creeks, lakes, marshes, wetlands and other inland waters.~~((Creeks, streams, rivers, marshes, lakes, wetlands, and tidelands.))~~
(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

1 **((25A.10.030))25A.10.025 Clean water((districts))district.**

2 (1) The ((Clean))clean water ((districts))district (((CWDs))) shall consist of all properties in unincorporated
3 Snohomish County which are located within the following ((watersheds or portions of the watershed))drainage
4 basins or portions of drainage basins as shown on the maps described in subsection (2) below. The((CWDs)) clean
5 water district may also include properties within cities and towns lying within the ((watershed))watersheds by
6 interlocal agreement between the county and such cities or towns.

7 ((CWDs))The clean water district is comprised of:

- 8 (a) Stillaguamish ((River)) drainage basin except that portion lying within the boundary of the Stillaguamish
9 Tribe reservation.
10 (b) Skagit drainage basin.
11 (c) Port Susan drainages sub-basin of the Puget Sound drainage basin except that portion lying within the
12 boundary of the Tulalip Tribes reservation.
13 (d) The Tulalip sub-basin of the Snohomish drainage basin except that portion lying within the boundary of
14 the Tulalip Tribes reservation.

15 (2) The exact boundary of ((each))the ((CWD))clean water district shall be determined based on topographic maps,
16 storm drainage infrastructure maps, and parcel maps. Detailed maps of the ((CWD))clean water district boundaries
17 are available in the department of public works and incorporated by reference herein. Where it is questionable
18 whether or not a particular property is located within ((a CWD))the clean water district, the issue shall be
19 determined on a case by case basis by the director based on actual topographic and hydrologic characteristics of
20 the property at issue.

21 (3) Nothing in this chapter shall be interpreted as preventing adjustment of the clean water district
22 ((CWD))boundaries by legislative action at a later date.

23 (Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Amended by Amended Ord. 09-120,
24 Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Ord. 10-118, Jan. 12, 2011, Eff date Jan. 24, 2011).

25 **25A.10.030 Commercial.**

26 Any development or use of real property meeting the definition of “commercial development” in SCC
27 30.91.C132 or the definition of “industrial development” in SCC 30.911.035.

28 **((25A.10.035))25A.10.040 Commercial rainwater harvesting system**

29 A system for storing, collecting, and reusing rainwater from a rooftop, installed at a commercial-use building,
30 that has been designed and constructed in accordance with the Washington State Building Code Council’s
31 Permissive Rainwater Harvesting System Guidelines for ((Nonresidential))Non-residential Occupancies (2002 or as
32 amended), has a storage volume of at least ten ((per cent))percent of the mean annual runoff volume generated
33 from the contributing roof area, and for which design and construction has been approved by the director of the
34 department of planning and development services.

35 (Added Ord. 05-103, October 26, 2005, Eff date November 6, 2005)

36 **((25A.10.037 County right-of-way.**

37 County right-of-way is property in which the County has any form of ownership or title and which is held for
38 public road purposes, regardless of whether any road exists thereon or whether it is used, improved, or maintained
39 for public travel.))

40 (Added by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009)

41 **25A.10.050 Developed real property.**

42 Real property characterized by the addition of impervious surfaces or removal of native vegetation cover,
43 changing the property from its natural condition. Also known as improved.

44 **((25A.10.040))25A.10.060 Director.**

45 The director of the Snohomish ((county department of public works))County Department of Public Works or his
46 or her designee.

47 (Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

1 **((25A.10.050))25A.10.070 Drainage basin.**

2 ((See "Watershed".)) The geographic region within which water drains into a particular aquatic system or other
3 body of water. Also known as a watershed.

4 (Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

5 **25A.10.080 Farm.**

6 Property assessed and taxed by the county as farm or agricultural use.

7 **((25A.10.057))25A.10.090 Former clean water ((districts))district.**

8 (1) The Former clean water ((districts (FCWDs)))district shall consist of all properties meeting the following
9 criteria: (a) the property is not currently located within ((a))the clean water district((,)); (b) the property was located
10 within ((a))the clean water district prior to being annexed by or incorporated into a municipal corporation((,)); (c)
11 debt service charges continue to be due from the property pursuant to RCW 36.89.120((,)); and (d) the municipal
12 corporation in which the property is now located has not entered into an agreement with the county for full payment
13 of the debt service charges required to be imposed by RCW 36.89.120, as described in SCC

14 ((25A.20.032))25A.20.030.

15 (2) The ((Stillaguamish River))former clean water district shall include all properties meeting the definition of
16 ((a))the former clean water district that ((were))was located in the ((Stillaguamish River))clean water district prior to
17 annexation or incorporation.

18 (3) Maps of historical clean water district boundaries are available in the department of public works and
19 incorporated by reference herein. The department of public works also maintains maps of the current clean water
20 district boundaries under SCC ((25A.10.030(2)))25A.10.025(2). Where it is questionable whether or not a property
21 is included in ((an FCWD))the former clean water district and subject to the requirements of this title, inclusion shall
22 be determined on a case by case basis by the director.

23 (Added by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009)

24 **((25A.10.060))25A.10.100 Impervious surfaces.**

25 Hard surfaced areas which prevent or retard the entry of water into the soil mantle ((and/or))or cause water to
26 run off the surface in greater quantities or at an increased rate of flow than under natural conditions. Common
27 impervious surfaces include, but are not limited to: rooftops; concrete or asphalt sidewalks, walkways, and paving;
28 patio areas, driveways, parking lots, and storage areas; and graveled, oiled((,)) or other surfaces which similarly
29 impede the natural infiltration of surface water or alter runoff patterns that existed prior to development.

30 (Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

31 **25A.10.110 Improved.**

32 Real property characterized by the addition of impervious surfaces or removal of native vegetation cover,
33 changing the property from its natural condition.

34 **((25A.10.070))25A.10.120 Land use classifications.**

35 The type of development on a given parcel of land as indicated in the records of the Snohomish ((county
36 assessor))County Assessor or as determined by inspections by the director((of the department of public works)).
37 Land use classifications are used to determine rate categories because they are indicators of impervious surfaces
38 and hydrologic intensity.

39 (Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

40 **((25A.10.073))25A.10.130 Mean annual rainfall depth.**

41 The mean annual rainfall depth ((based on climatic statistics from the United States National Oceanographic
42 and Atmospheric Administration Atlas 2, Volume IX))as determined by information set forth in the Stormwater
43 Management Manual for Western Washington, Volume I, Appendix I-B: 2014 Update, (December 2014 or latest
44 edition, Washington State Department of Ecology Publication #14-10-055).

45 (Added Ord. 05-103, October 26, 2005, Eff date November 6, 2005)

1 **~~((25A.10.075))25A.10.140~~ Mean annual runoff volume.**

2 The runoff volume calculated as the product of a specified area and the mean annual rainfall depth, or the
3 equivalent runoff volume statistic from that area calculated by a continuous-simulation hydrologic model using long-
4 term local rainfall records.

5 (Added Ord. 05-103, October 26, 2005, Eff date November 6, 2005)

6 **25A.10.150 Mixed use property.**

7 Property on which a combination of residential, farm, commercial or other non-residential uses exist.

8 **~~((25A.10.078) Municipal right-of-way.~~**

9 ~~Municipal right-of-way is property in which a municipal corporation has any form of ownership or title and which~~
10 ~~is held for public road purposes, regardless of whether any road exists thereon or whether it is used, improved, or~~
11 ~~maintained for public travel.))~~

12 (Added by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009)

13 **~~((25A.10.080))25A.10.160 ((Non-point))Non-point~~ source pollution.**

14 Pollution that enters storm and surface waters from dispersed sources (such as surface runoff) rather than
15 through pipes. ~~((Nonpoint))Non-point~~ sources include, but are not limited to: forest practices, agricultural practices,
16 onsite sewage disposal systems, developed ~~((lands))real property~~, motor vehicles, and recreational boats. ~~((These~~
17 ~~nonpoint sources may contribute pathogens, suspended solids, nutrients, oils, metals, and toxicants.))~~

18 (Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

19 **25A.10.170 Non-residential and other use.**

20 Any development or use of real property that does not meet the definitions in SCC 25A.10.030, SCC
21 25A.10.080, SCC 25A.10.180, SCC 25A.10.210 or SCC 25A.10.220.

22 **25A.10.180 Ordinary residential improvement.**

23 Those structures and facilities that are commonly found with, and are incidental to, the development and use of
24 a single-family residence including, but not limited to, garages, decks, driveways and serving utility systems.

25 **~~((25A.10.090))25A.10.190~~ Property owner~~((of record))~~.**

26 ~~((Person or persons recorded by the county assessor to be the owner of property and to whom property tax~~
27 ~~statements are directed by the county treasurer.))~~One or more persons or any legal entity that owns, or is
28 designated to pay taxes, fees and service charges on, or is empowered to grant access to or authorize and
29 approve maintenance of drainage facilities located on, any real property or portion thereof.

30 (Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

31 **~~((25A.10.100))25A.10.200~~ Rates.**

32 The dollar amount charged per unit of surface area of real property, ~~((or))~~per parcel of real property or per
33 dwelling unit or ordinary residential improvement based upon the land use classification ((and/or))and amount of
34 impervious surface coverage for the accommodation of water quality restoration and storm and surface water runoff
35 and other surface water management services.

36 (Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

37 **25A.10.210 Residential.**

38 Property characterized by dwelling units whose primary function is to be used as single family housing with
39 impervious surface coverage not in excess of 15,000 total square feet per tax parcel. The class includes single
40 family residences, condominiums and mobile homes not in parks, and ordinary residential improvements. Single
41 family residences used for business purposes or for the storage of vehicles, equipment or junk pursuant to SCC
42 30.91J.010 are not considered residential. Apartments, hotels, motels, mobile home parks, dormitories and group
43 housing are not considered residential.

1 **25A.10.220 Right-of-way.**

2 Public or private real property held for road or transportation purposes to allow for the passage of people or
3 goods, regardless of whether any road or transportation improvement exists thereon or whether it is used,
4 improved, or maintained for travel.

5 **((25A.10.110))25A.10.230 Service charges.**

6 Charges to property owners for water quality restoration and storm and surface water (water quantity)
7 management services.

8 (Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

9 **((25A.10.120 State highway right-of-way.**

10 The right-of-way of a state limited-access highway. The term does not include city or town streets forming a
11 part of the route of state highways that are not limited-access highways or state property under the jurisdiction of
12 the department of transportation that is outside the right-of-way lines of a state highway.))

13 (Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

14 **((25A.10.130))25A.10.240 Storm((water control)) and surface water management facilities.**

15 Any ~~((facility, improvement, development, property, stream channel,))~~ facilities, improvements, developments,
16 properties, aquatic ((system))systems, or interest therein, made, constructed, or acquired for the purpose of
17 controlling or protecting life or property from storm, waste, flood, or surplus waters. Such facilities may include, but
18 shall not be limited to, the improvements and authority described in chapters 86.12, 86.13, and 86.15 RCW.

19 (Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

20 **((25A.10.170))25A.10.250 ((Water quantity))Storm and surface water (water quantity) management**
21 **((activities))services.**

22 Any activity, routine, or project developed and implemented to comply with federal, state, or local regulations
23 and policies designed to minimize drainage problems. Such ~~((activities))~~ services may include, but shall not be
24 limited to those that: plan, design, regulate, establish, acquire, develop, construct, maintain, and improve
25 storm~~((water control))~~ and surface water management facilities; inventory, rehabilitate, and restore drainage
26 systems; investigate and address drainage problems; and collect and analyze ~~((streamflow))~~ stream flow data.

27 (Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

28 **25A.10.260 Storm water.**

29 Surplus waters generated from precipitation events like rain or snowmelt that flow over land or impervious
30 surfaces with little or no infiltration into the ground.

31 **25A.10.270 Surface water.**

32 Water from all sources that occurs on the earth's surface either as diffused water or as water in natural
33 channels, artificial channels or other surface water bodies and inland waters including salt waters, lakes, ponds,
34 wetlands, rivers, streams and creeks.

35 **((25A.10.140))25A.10.280 Water ((pollution control))quality management facilities.**

36 Any facilities or systems, natural or built, that control, collect, store, treat, dispose, or recycle wastewater,
37 including but not limited to sanitary sewage, ~~((stormwater))~~ storm water, residential waste, commercial wastes,
38 industrial wastes, and agricultural wastes, that are causing or threatening the degradation of subterranean or
39 surface bodies of water due to concentrations of conventional, nonconventional, or toxic pollutants.

40 (Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

41 **((25A.10.150))25A.10.290 Water quality restoration ((activities))services.**

42 Any activity, routine, or project developed and implemented to comply with federal, state, or local regulations
43 and policies designed to protect surface water quality and shellfish beds. Such ~~((activities))~~ services may include,
44 but shall not be limited to those that: plan, design, regulate, establish, acquire, develop, construct, maintain, and
45 improve water ~~((pollution control))~~ quality management facilities; regulate water quality; develop and implement
46 watershed and lake management plans, ~~((nonpoint))~~ non-point source pollution prevention plans, and

comprehensive flood hazard management plans; develop and provide public involvement and education; collect and analyze water quality data; implement, encourage, and promote agricultural best management practices related to animal grazing and manure management; and repair and promote the proper function of onsite sewage systems.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

~~((25A.10.160 Water quality restoration and water quantity management services.~~

The services provided by the department of public works to plan, design, regulate, establish, acquire, develop, construct, maintain, and improve water pollution control facilities, stormwater control facilities, water quality restoration activities, and water quantity management activities throughout unincorporated Snohomish county and within its cities and towns for the benefit of all county residents.))

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

~~((25A.10.180))25A.10.300 Watershed.~~

The geographic region within which water drains into a particular aquatic system or other body of water. Also known as a drainage basin.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

~~((25A.10.190))25A.10.310 Watershed action plan or watershed management plan.~~

A plan adopted by the county council, ~~((or))~~ the department of ecology or the department of public works for a specific watershed. A plan may include, but shall not be limited to, voluntary, educational, structural, ~~((and/or))~~ and regulatory approaches to ~~((:))~~ source control program strategies, program goals, and recommended actions. Such plans include, but are not limited to, plans developed under the following authorities:

(1) Watershed plans developed under chapter 90.82 RCW;

(2) Salmon recovery plans developed under chapter 77.85 RCW;

(3) Watershed management elements of comprehensive land use plans developed under the Growth Management Act, chapter 36.70A RCW;

(4) Watershed management elements of shoreline master programs developed under the Shoreline Management Act, chapter 90.58 RCW;

(5) Nonpoint pollution action plans developed under the Puget Sound water quality management planning authorities of chapter 90.71 RCW;

(6) Other comprehensive management plans addressing watershed health at a WRIA level or sub-WRIA basin drainage level;

(7) A comprehensive drainage plan;

(8) A storm water plan; and

(9) Any combination of the foregoing plans in an integrated watershed management plan.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

Chapter 25A.20

CHARGES FOR WATER QUALITY RESTORATION AND WATER QUANTITY MANAGEMENT SERVICES

Sections:

25A.20.010 Applicability.

~~((25A.20.020 — Repealed.))~~

~~((25A.20.030))25A.20.020~~ Rate structure for the clean water ~~((districts))~~ district.

~~((25A.20.032))25A.20.030~~ Bond debt service allocable to the former clean water ~~((districts))~~ district.

~~((25A.20.034))25A.20.040~~ Rate structure for the former clean water ~~((districts))~~ district.

~~((25A.20.035))25A.20.050~~ Service charges for aquatic plant control.

~~((25A.20.036))25A.20.060~~ Service charges for Lake Ketchum restoration.

~~((25A.20.060))25A.20.070~~ Exemptions and reductions.

~~((25A.20.070))25A.20.080~~ Credits.

~~((25A.20.080))25A.20.090~~ ~~((Billings))~~ Billing.

~~((25A.20.050))25A.20.100~~ Billing errors.

~~((25A.20.040))25A.20.110~~ Rate adjustments and appeals.

Service District Reassessment Study:

Amendments to Titles 25 and 25A SCC

Staff Report to County Council

July 1, 2015

~~((25A.20.090))~~ 25A.20.120 Delinquent service charges imposed under the authority of chapter 36.89 RCW.
25A.20.125 Delinquent service charges imposed under the authority of chapter 90.72 RCW.
25A.20.130 Waiver of interest and penalties.
~~((25A.20.100))~~ 25A.20.140 Special operating funds.
~~((25A.20.110))~~ 25A.20.150 Administrative procedures.
~~((25A.20.120 — Repealed.))~~

25A.20.010 Applicability.

The requirements of this chapter shall apply to all real property located within the clean water ((districts))district and the former clean water((districts))district.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Ord. 12-011, Mar. 28, 2012, Eff date Jan. 1, 2012).

~~((25A.20.020 Clean water districts.~~

~~Repealed by Amended Ord. 09-120.))~~

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002, Ord. 04-101, Nov. 22, 2004, Eff date December 17, 2004; Repealed by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

~~((25A.20.030))~~ 25A.20.020 Rate structure for the clean water ((districts))district.

(1) The director shall assign all developed real property located in ((a))the clean water ((districts))district to service charge rate categories according to the land use classification ((and/or))and degree of impervious surface coverage of the real property. The "Index of Land Use Classifications and Rate Categories" dated January 8, 2002, or any revision thereafter compiled by the director, is available in the department of public works and incorporated by this reference. When assigning real property to appropriate service charge rate categories, if portions of any tax parcel or legal lot have been placed into separate taxation categories by the county assessor, the director shall treat each of those separate portions of the tax parcel or legal lot as separate properties and assign an appropriate service charge rate category to each. When assigning the real property to appropriate service charge rate categories, if the property exhibits mixed use, the director shall assign the rate category based on the use associated with the majority of the impervious surface area on the real property or portion thereof.

(2) Except as provided in SCC ~~((25A.20.050))~~ 25A.20.070, SCC ~~((25A.20.060))~~ 25A.20.080, and SCC ~~((25A.20.070))~~ 25A.20.100, developed real property in ((a))the clean water district shall be subject to annual service charges as follows:

Table 25A.20.020(2)(a)

Annual Service Charge for Residential and Farm

Rate Category	Impervious Surface Coverage	Annual Charge RCW 90.72	Annual Charge RCW 36.89	Total Annual Service Charge
Single ((family)) <u>Family Residential</u>	<u>N/A</u>	\$22.45 per <u>((parcel))dwelling unit</u>	\$67.55 per <u>((parcel))dwelling unit</u>	\$90.00 per <u>((parcel))dwelling unit</u>
Condominium	<u>N/A</u>	\$20.20 per <u>dwelling unit</u>	\$60.80 per <u>dwelling unit</u>	\$81.00 per <u>dwelling unit</u>
((Farm, no building))	<u>N/A</u>	(((\$0.00))	(((\$0.00))	(((\$0.00))
Farm ((, w/building (44 acre maximum charge)))	<u>N/A</u>	(((\$0.52 per 1/4 acre)) <u>\$22.45 per parcel</u>	(((\$1.55 per 1/4 acre)) <u>\$67.55 per parcel</u>	(((\$2.07 per 1/4 acre)) <u>\$90.00 per parcel</u>
((Farm, with implemented plan (44 acre maximum charge)))		(((\$0.25 per 1/4 acre))	(((\$0.76 per 1/4 acre))	(((\$1.01 per 1/4 acre))

Table 25A.20.020(2)(b)

((Retail, Industrial and Other Land Uses))Commercial, Non-residential and Other Uses

Rate Category	Impervious Surface Coverage	Annual Charge RCW 90.72	Annual Charge RCW 36.89	Total Annual Service Charge
Exempt	Less than 1%	\$0.00	\$0.00	\$0.00

Very ((light)) <u>Light</u>	1% to 19%	\$6.73 per ((1/4)) <u>quarter</u> acre	\$20.26 per ((1/4)) <u>quarter</u> acre	\$26.99 per ((1/4)) <u>quarter</u> acre
Light	20% to 39%	\$22.45 per ((1/4)) <u>quarter</u> acre	\$67.55 per ((1/4)) <u>quarter</u> acre	\$90.00 per ((1/4)) <u>quarter</u> acre
Moderate	40% to 59%	\$37.40 per ((1/4)) <u>quarter</u> acre	\$112.55 per ((1/4)) <u>quarter</u> acre	\$149.95 per ((1/4)) <u>quarter</u> acre
Heavy	60% to 79%	\$50.87 per ((1/4)) <u>quarter</u> acre	\$153.10 per ((1/4)) <u>quarter</u> acre	\$203.97 per ((1/4)) <u>quarter</u> acre
Very ((heavy)) <u>Heavy</u>	80% to 100%	\$67.33 per ((1/4)) <u>quarter</u> acre	\$202.64 per ((1/4)) <u>quarter</u> acre	\$269.97 per ((1/4)) <u>quarter</u> acre

(3) From the funds collected under the authority of chapter 90.72 RCW:

(a) 33.0 % shall be allocated to reduce water pollution that is generated by sources within the jurisdiction of the Snohomish ~~((conservation district))~~Conservation District. Snohomish ~~((county intends to))~~County shall use this allocation of funds to contract with the Snohomish ~~((conservation district))~~Conservation District to perform services that reduce these sources of water pollution.

(b) 59.1 % shall be allocated to other water quality restoration ~~((activities))~~services administered by the department of public works.

(c) 7.9 % shall be allocated to specific local water quality restoration projects administered by the department of public works that have been recommended by the advisory board established under chapter 25A.30 SCC.

(4) For the period beginning January 1, ~~((2009))~~2016, and ending December 31, ~~((2015))~~2021, the annual service charge for developed real property located in those portions of the clean water district within urban growth areas shall be based on the rates set forth in subsection (2) above, plus the following amounts:

Table 25.20.020(3)

Annual Surcharge for Urban Growth Areas

Rate Category	Additional Annual Urban Growth Area Service Charge RCW 36.89
Single F ((amily)) <u>Family Residential</u>	\$32.00 per ((parcel)) <u>dwelling unit</u>
Condominium	\$28.80 per <u>dwelling unit</u>
((Farm no building))	((No Charge))
Farm ((with building))	(((\$0.74 per quarter acre; 44 acre maximum)) <u>\$32.00 per parcel</u>
((Farm with implemented plan))	(((\$0.36 per quarter acre; 44 acre maximum))
<u>Exempt</u>	<u>No charge</u>
Very Light	\$9.60 per quarter acre
Light	\$32.00 per quarter acre
Moderate	\$53.32 per quarter acre
Heavy	\$72.52 per quarter acre
Very Heavy	\$95.99 per quarter acre

(a) The service charges established in subsection (2) above represent the base rate. All service charges collected under this subsection (4), less the base rate applicable each year, shall be used solely for surface water management ~~((drainage improvement))~~projects ~~((located in))~~related to impacts originating from or providing benefit to those portions of the clean water ~~((districts))~~district within urban growth areas.

(b) The first priority for expenditure of service charges collected under this subsection shall be capital projects as listed in the surface water management annual construction program.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord 03-135, November 19, 2003, Eff date December 1, 2003; Ord. 04-101, Nov. 22, 2004, Eff date December 17, 2004; Amended by Amended Ord. 08-124, Nov. 17, 2008, Eff date Jan. 1, 2009; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

((25A.20.032))25A.20.030 Bond debt service allocable to the former clean water ((districts))district.

As provided in RCW 36.89.120, whenever a city or town annexes an area, or a city or town incorporates an area, and the county has issued revenue bonds or general obligation bonds to finance storm and surface water management((control)) facilities that are payable in whole or in part from rates or charges imposed in the area, the county shall continue imposing all portions of the rates or charges that are allocated to payment of the debt service on bonds in that area after the effective date of the annexation or official date of the incorporation until: (1) The debt is retired; (2) any debt that is issued to refinance the underlying debt is retired; or (3) the city or town reimburses the county an amount that is sufficient to retire that portion of the debt borne by the annexed or incorporated area. The county shall construct all facilities included in the storm and surface water management plan intended to be financed by the proceeds of such bonds. If the county provides storm and surface water management services to the city or town by contract, the contract shall consider the value of payments made by property owners to the county for the payment of debt service. The rates to be charged under this section are provided in SCC ((25A.20.034))25A.20.040.

(Added by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009)

((25A.20.034))25A.20.040 Rate structure for the former clean water ((districts))district.

(1) The director shall assign all developed real property located in ((a))the former clean water ((districts))district to service charge rate categories according to the land use classification ((and/or))and degree of impervious surface coverage of the real property. The "Index of Land Use Classifications and Rate Categories" dated January 8, 2002, or any revision thereafter compiled by the director, is available in the department of public works and incorporated by this reference. When assigning real property to appropriate service charge rate categories, if portions of any tax parcel or legal lot have been placed into separate taxation categories by the county assessor, the director shall treat each of those separate portions of the tax parcel or legal lot as separate properties and assign an appropriate service charge rate category to each. When assigning the real property to appropriate service charge rate categories, if the property exhibits mixed use, the director shall assign the rate category based on the use associated with the majority of the impervious surface area on the real property.

(2) All charges imposed by this section are imposed under the authority of chapter 36.89 RCW and not under the authority of chapter 90.72 RCW.

(3) Except as provided in ((SCC 25A.20.050 and)) SCC ((25A.20.060(1)))25A.20.070(1) through (3) and SCC 25A.20.100, all developed real property located in ((a))the former clean water ((districts))district shall be subject to the following annual service charges for bond debt payment under RCW 36.89.120:

Table ((25A.20.034(3)))25A.20.040(3)

Annual Service Charge for the Former ((Stillaguamish River-))Clean Water District

Rate Category	Rate (RCW 36.89 charge)
Single Family <u>Residential</u>	\$13.87 per ((parcel))dwelling unit
Condominium	\$12.48 per dwelling unit
((Farm no building))	((No-Charge))
Farm((-with building))	(((\$0.32 per quarter acre; 44 acre maximum))\$13.87 per parcel)
((Farm with implemented plan))	(((\$0.16 per quarter acre; 44 acre maximum))
Exempt	No charge
Very Light	\$4.16 per quarter acre

Rate Category	Rate (RCW 36.89 charge)
Light	\$13.87 per quarter acre
Moderate	\$23.12 per quarter acre
Heavy	\$31.45 per quarter acre
Very Heavy	\$41.60 per quarter acre

(4) ~~((Administration fee. An))~~ A reasonable administrative fee in an amount sufficient to reimburse the county for its actual, reasonable costs of performing administrative functions related to the service charges shall be added to the amount charged.

~~((5) Periodic adjustment to the above rates may be made as needed to meet the annual debt service payments, as the bonds are retired or refinanced.~~

~~(6))~~ (5) ~~((State highway rights-of-way))~~ Rights-of-way owned by the state shall be subject to annual service charges to the extent permitted by law.

~~((7))~~ (6) Service charges collected under this section shall be used solely for purposes permitted by RCW 36.89.120.

(Added by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Ord. 12-011, Mar. 28, 2012, Eff date Jan. 1, 2012)

~~((25A.20.035))~~ 25A.20.050 Service charges for aquatic plant control.

(1) In addition to the annual service charges established in SCC ~~((25A.20.030))~~ 25A.20.020, each tax parcel abutting the shore of Lake Goodwin or Lake Shoecraft shall be subject to an additional annual water quality restoration service charge for the purpose of managing and controlling invasive aquatic plants.

(2) For the period beginning January 1, 2015, and ending December 31, 2019, the rate categories and additional annual service charges for ~~((parcels))~~ real property abutting Lake Goodwin or Lake Shoecraft shall be as follows:

Table 25A.20.050(2)

Annual Service Charge for Aquatic Plant Control

Rate Category	Annual Service Charge
Single ((family)) Family Residential	(((\$39.00)) \$60.00 per parcel
Undeveloped	(((\$39.00)) \$60.00 per parcel
Community ((beach)) Beach Lot	(((\$7.80)) \$12.00 per parcel
Public and ((semi-public recreation)) Semi-public Recreation	(((\$0.23)) \$0.35 per foot of lake frontage

(3) The single family rate category or the undeveloped rate category applies to each lake front land parcel classified by the Snohomish ~~((county assessor))~~ County Assessor as either single family residential or undeveloped, respectively. The community beach rate category applies to each land parcel having an undivided ownership interest in a lake front parcel used for common beach access. The public and semi-public recreation rate category applies to lake front parcels classified by the Snohomish ~~((county assessor))~~ County Assessor as resorts, recreational activities, camping activities, or parks, as well as other publicly owned recreational parcels. Lake front parcels are defined as land parcels abutting the lake shore.

(4) All service charges collected under this section shall be used solely for management and control of non-native invasive aquatic plants in Lake Goodwin and Lake Shoecraft.

(5) A detailed map of the tax parcels subject to the additional service charges established in this section is available in the department of public works and incorporated herein by this reference.

(Added Ord. 04-139, Dec. 22, 2004, Eff date Jan. 2, 2005; amended by Ord. 09-114, Oct. 28, 2009, Eff date Nov. 15, 2009; amended by Ord. 14-106, Dec. 17, 2014, Eff date Jan. 1, 2015)

~~((25A.20.036))25A.20.060~~ Service charges for Lake Ketchum restoration.

(1) In addition to the annual service charges established in SCC ~~((25A.20.030))25A.20.020~~, all real property abutting the shore of Lake Ketchum shall be subject to an additional annual service charge for the purpose of managing and controlling blue-green and toxic algae blooms and phosphorus pollution in Lake Ketchum.

(2) For the period beginning January 1, 2014, and ending December 31, 2018, the rate categories and additional annual service charges for real property abutting Lake Ketchum shall be as follows:

Table 25A.20.060(2)

Annual Service Charge for Lake Ketchum Restoration

Rate Category	Annual Service Charge
Lake ((front)) <u>Front</u>	\$150.00 per parcel of real property abutting the shoreline of Lake Ketchum
Community ((beach)) <u>Beach Lot</u>	\$30.00 per parcel of real property with an undivided ownership interest in lake front real property used for common beach access

(3) All service charges collected under this section shall be used solely for the management and control of blue-green and toxic algae blooms and phosphorus pollution in Lake Ketchum.

(4) A detailed map of the real property subject to the additional service charges established in this section is available in the department of public works and incorporated herein by this reference.

(Added by Ord. 13-069, Sep. 18, 2013, Eff date Oct. 3, 2013)

~~((25A.20.060))25A.20.070~~ Exemptions and reductions.

(1) The following types of real property shall be exempt from annual service charges:

(a) Real property that is owned by, and is the personal residence of, a person or persons approved by the county assessor for a senior citizen or disabled persons property tax exemption under RCW 84.36.381.

(b) Real property that is owned by a "public benefit nonprofit corporation," as defined by RCW 24.03.490, and is used as a cemetery, provided the real property does not discharge storm water off site through constructed conveyance facilities and a 50-foot vegetated buffer is maintained on the property along any water body that drains to a ~~((fishbearing))~~fish bearing stream or lake.

(c) Real property taxed as forest land under chapter 84.33 RCW, as timber land under chapter 84.34 RCW, or as open space land under chapter 84.34 RCW.

(2) The rate charged for ~~((state highway))~~ right-of-way owned by the state shall be 30 percent of the rate for comparable real property in terms of impervious surface coverage, or as otherwise provided by RCW 90.03.525.

(3) Service charges imposed on ~~((county rights-of-way or municipal))~~rights-of-way owned by the county or a municipality under authority of chapter 36.89 RCW shall be at the same rate as the rate for comparable real property in terms of impervious surface coverage, except that the director may determine that up to 70 percent of the amount due can be paid through in kind services, as provided in RCW 36.89.085. In kind services include, but are not limited to, the construction, operation, and maintenance of ~~((stormwater control))~~storm and surface water management facilities designed to control surface water or ~~((stormwater))~~storm water runoff.

~~((5))~~(4) The rate charged for real property with a commercial rainwater harvesting system shall be reduced from the rate set out in this chapter by a fraction equal to the storage volume of the rainwater harvesting system divided by the mean annual runoff volume generated by the total impervious surface area of the property.

~~((4))~~(5) Pursuant to RCW 90.72.070, a dairy animal feeding operation with a certified dairy nutrient management plan as required in chapter 90.64 RCW and any other commercial agricultural operation on agricultural lands as defined in RCW 36.70A.030 shall be subject to service charges imposed pursuant to chapter 90.72 RCW of no more than \$500.00 in a calendar year.

(6) For real property located in ~~((a))~~the clean water ~~((districts))~~districts, if all or any portion of the real property is regulated by a valid and active permit issued by the Washington State Department of Ecology or the federal Environmental Protection Agency pursuant to the National Pollutant Discharge Elimination System (NPDES) permit program established by the federal Clean Water Act, codified at 33 U.S.C. 1251 et seq., then said real property shall be exempt from all charges imposed pursuant to chapter 90.72 RCW. The property owner requesting a rate adjustment under this subsection (6) shall provide the director with sufficient documentation to verify that the real property at issue is subject to a valid NPDES permit. The property owner shall also provide the director with written notice promptly upon the expiration of or other termination of coverage under the NPDES permit.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 05-103, October 26, 2005, Eff date November 6, 2005; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Ord. 12-011, March 28, 2012, Eff date Jan. 1, 2012; Amended by Amended Ord. 13-009, April 10, 2013, Eff date Jan. 1, 2013).

((25A.20.070))25A.20.080 Credits.

Real property located in the clean water ((districts))district may be eligible for reductions in service charges as described below:

(1) For real property having a rate category of light, moderate, heavy, or very heavy, the rate category shall be reduced one category if the ((stormwater))storm water runoff discharges into an onsite ((stormwater control))storm and surface water management facility built to comply with the detention and water quality regulations and standards set forth in ((the Snohomish County drainage ordinance,)) chapter 30.63A SCC, and said facility is adequately operated and maintained by the property owner.

(2) For real property having a rate category of light, moderate, heavy, or very heavy, the rate category shall be reduced one category if the site contains wholly or partly, an aquatic system that complies with the detention and water quality regulations and standards set forth in ((Snohomish County drainage ordinance,)) chapter 30.63A SCC, and said aquatic system is maintained in its natural state by the property owner.

(3) For real property located in ((a))the clean water district, if all or any portion of the real property is regulated by a valid and active permit issued by the Washington State Department of Ecology or the federal Environmental Protection Agency pursuant to the National Pollutant Discharge Elimination System permit program established by the federal Clean Water Act, codified at 33 U.S.C. § 1251 et seq., then the portion of the annual service charges imposed pursuant to SCC ((25A.20.030))25A.20.020(2)((, SCC 25A.20.035, and SCC 25A.20.036)) under authority of chapter 36.89 RCW shall be reduced by 13.33% and the portion of the annual service charges imposed pursuant to SCC ((25A.20.030))25A.20.020(4), SCC 25A.20.050 and SCC 25A.20.060 under authority of chapter 36.89 RCW shall be reduced by 35% ((; PROVIDED, HOWEVER, that this)) This rate adjustment shall not be available to real property that is ((a municipal, county, or state highway))right-of-way owned by a municipality, the county or the state subject to the rates provided in SCC ((25A.20.060(2)))25A.20.070(2) or ((25A.20.060(3)))SCC 25A.20.070(3). The property owner requesting a rate adjustment under this subsection (3) shall provide the director with sufficient documentation to verify that the real property at issue is subject to a valid NPDES permit. The property owner shall also provide the director with written notice promptly upon the expiration of or other termination of coverage under the NPDES permit.

(4) Public and private schools that provide water quality ((and/or))or watershed instruction approved by the director shall be given credit equal to the dollar value of the instruction offered. This credit shall be applied against the annual service charge billed under the authority of chapter 90.72 RCW and chapter 36.89 RCW ((; PROVIDED HOWEVER, that this)) This annual credit shall not exceed the annual service charge authorized by chapter 90.72 RCW and chapter 36.89 RCW.

(5) Pursuant to RCW 85.38.160, real property within diking, drainage, or flood control districts shall be given a credit equal to the dollar value of the annual special district assessment. This credit shall be applied against the annual service charge billed under the authority of chapter 36.89 RCW ((; PROVIDED HOWEVER, that this)) This annual credit shall not exceed the annual service charge authorized by chapter 36.89 RCW.

(6) For real property located in a diking, drainage, or flood control district which has an annual surface water pollution prevention work plan approved by the director, a credit equal to the dollar value of the pollution prevention work performed shall be provided. This credit shall be applied against the annual service charge billed to the real property under the authority of chapter 90.72 RCW ((; PROVIDED HOWEVER, that this)) This annual credit shall not exceed the annual service charge authorized by chapter 90.72 RCW.

((7)) For real property having the rate category "farm, w/building," the rate category shall be reduced to "farm, implemented plan" if the real property is included in a farm plan that has been certified to be fully implemented by the Snohomish Conservation District.

(7) Except for automatic credits granted pursuant to subsections (3) and (5) above, credits granted under this section shall be subject to renewal every two years in accordance with administrative procedures developed by the director pursuant to SCC 25A.20.150.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 02-098, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Ord. 12-011, March 28, 2012, Eff Date Jan. 1, 2012; Amended by Amended Ord. 13-009, April 10, 2013, Eff date Jan. 1, 2013; Amended by Ord. 13-069, Sep. 18, 2013, Eff date Oct. 3, 2013).

1 **((25A.20.080))25A.20.090 ((Billings))Billing.**

2 (1) All real property subject to service charges shall be charged annually on January 1st based upon the rate
3 categories and ((acreage))property characteristics then applicable to the real property and at the rates set forth in
4 SCC ((25A.20.030))25A.20.020, SCC ((25A.20.034))25A.20.040, SCC ((25A.20.035))25A.20.050, and SCC
5 ((25A.20.036))25A.20.060.

6 (2) ((In order to))To minimize administrative costs, where feasible, the billing statement for service charges
7 imposed under this title shall be included on the annual property tax statement for the real property at issue. To
8 further reduce administrative costs, the director ((shall))may use alternative billing systems for the purposes of
9 billing local, state and federal government agencies. The director may elect to use alternative billing methods for
10 the ((purposes))purpose of billing ((local government agencies))other property owners with real property in the
11 clean water ((districts))district or the former clean water ((districts))district where alternative methods provide for
12 greater administrative convenience.

13 (3) All service charges billed on the annual property tax statement shall be due and payable on or before the
14 ((thirtieth))30th day of April and, except as provided in this section, shall be delinquent after that date. If ((one
15 half))one-half of the service charge owed is paid on or before the ((thirtieth))30th day of April, the remainder of such
16 service charge shall be due and payable on or before the ((thirty-first))31st day of October following and shall be
17 delinquent after that date. Service charges billed under alternative methods shall be due within the calendar year in
18 which they are billed on such date as set by the director.

19 (4) If a payment is received in conjunction with a combined property tax and service charge, and the payment is
20 less than the sum of the total property tax plus the total service charge, or less than the sum of one-half of the
21 property tax plus one-half of the service charge, and unless otherwise specified by the owner of the real property at
22 issue, the payment shall be applied first to the annual property tax due for the real property, pursuant to the
23 provisions of chapter 84.56 RCW, and any remaining amount to the service charge due for the real property.

24 (Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002, Ord. 04-139, Dec. 22, 2004, Eff date
25 January 2, 2005; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended
26 by Ord. 12-011, Mar. 28, 2012, Eff date Jan. 1, 2012; Amended by Ord. 13-069, Sep. 18, 2013, Eff date
27 Oct. 3, 2013).

28 **((25A.20.050))25A.20.100 Billing errors.**

29 If there is an error in billing, such as a mistake regarding the acreage, impervious surface coverage, watershed
30 boundary, rate category, or land use classification of the real property at issue, the director shall correct the error.
31 Refunds, if any, shall be in accordance with SCC 25A.20.110(4).

32 (Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Amended by Ord. 12-011, Mar. 28,
33 2012, Eff date Jan. 1, 2012).

34 **((25A.20.040))25A.20.110 Rate adjustments and appeals.**

35 (1) Any person receiving a billing statement for water quality restoration and storm and surface water (water
36 quantity) management service charges pursuant to SCC ((25A.20.030))25A.20.020, SCC
37 ((25A.20.035))25A.20.050, or SCC ((25A.20.036))25A.20.060 and making a timely payment thereof, may apply to
38 the director for a rate adjustment based on any of the circumstances listed in SCC ((25A.20.050))25A.20.070, SCC
39 ((25A.20.060))25A.20.080, or SCC ((25A.20.070))25A.20.100.

40 (2) Any person receiving a billing statement for water quality restoration and storm and surface water (water
41 quantity) management service charges pursuant to SCC ((25A.20.034))25A.20.040 and making a timely payment
42 thereof, may apply to the director for a rate adjustment based on any of the circumstances listed in ((SCG
43 25A.20.050 or))SCC ((25A.20.060))25A.20.070(1) through (3) or SCC 25A.20.100.

44 (3) Application for rate adjustments shall be made to the director. The burden of proof shall be on the applicant to
45 show that the rate adjustment sought should be granted. The director shall make a written decision on an
46 application for rate adjustment within ((30))60 days after receipt of the application, except when additional
47 information is needed in which case ((the decision shall be made within 90 days after receipt of the application))the
48 director shall provide the applicant with an estimated timeline for a written decision. The estimate shall be based on
49 reasonable limits for obtaining the required information to render a decision. In the event that the applicant does not
50 provide the additional information needed, the director will notify the applicant that the application is cancelled. The
51 director may also initiate a rate adjustment or correct a billing error for a property at any time when new information
52 becomes available to the ((department))director.

53 (4) Applications for rate adjustments submitted pursuant to SCC ((25A.20.050))25A.20.100 must be submitted
54 within three years of the date of payment of the water quality restoration and water quantity management service

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charges. Applications for rate adjustments submitted pursuant to SCC ~~((25A.20.060))~~25A.20.070 or SCC ~~((25A.20.070))~~25A.20.080 must be made by April 30th to be effective for the current billing year. Applications for rate adjustments submitted pursuant to SCC ~~((25A.20.060))~~25A.20.070 or SCC ~~((25A.20.070))~~25A.20.080 received after April 30th shall only be effective for subsequent years. If the director grants an adjustment which reduces the service charge for the current year, or, for requests submitted pursuant to SCC ~~((25A.20.050))~~25A.20.100 only, for up to three prior years, the applicant shall be refunded the amount overpaid with interest at the rate specified in RCW 84.69.100, as set forth in WAC 458-18-220 or any successor regulation thereto. If the director determines that an adjustment should be made which increases the service charge for the current year, an amended bill shall be issued and the applicant shall submit the additional amount due within ~~((45))~~30 days of the notice of additional service charge.

(5) Any person eligible for the low income senior citizen or disabled persons exemption from service charges under SCC ~~((25A.20.060(1)(a)))~~25A.20.070(1)(a) shall be provided a refund of annual service charges for the subject property for the current year and up to three prior years(~~(, PROVIDED, That))~~when eligibility for each year has been approved by the ~~((Assessor's))~~assessor's office.

(6) Except for requests submitted pursuant to SCC ~~((25A.20.050 and SCC 25A.20.060(1)(a)))~~25A.20.070(1)(a) and SCC 25A.20.100, rate adjustments ~~((granted))~~ shall not be retroactive ~~((to prior years))~~ and are subject to renewal every two years.

(7) Decisions of the director on applications for rate adjustments shall be in writing and shall be final, ~~unless~~ ~~appealed by the applicant to the superior court of Snohomish County within by writ of certiorari within 30 days of the notice of decision~~).

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Amended Ord. 02-074, December 4, 2002, Eff date January 1, 2003, Ord. 04-139, Dec. 22, 2004, Eff date Jan. 2, 2005; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Ord. 12-011, Mar. 28, 2012, Eff date Jan. 1, 2012; Amended by Ord. 13-069, Sep. 18, 2013, Eff date Oct. 3, 2013).

~~((25A.20.090))~~25A.20.120 Delinquent service charges imposed under the authority of chapter 36.89 RCW.

(1) Service charges imposed by this title under the authority of RCW 36.89 that remain unpaid in whole or in part, when due pursuant to SCC 25A.20.090, shall be considered delinquent.

~~((1))~~(2) Service charges, or any ~~((part))~~portions thereof, which become delinquent under ~~((the provisions of SCC 25A.20.080))~~subsection (1) above, shall bear interest at the rate of 12 percent per annum computed on a monthly basis from the date of delinquency until paid, as provided by RCW ~~((36.89.092))~~84.56.020(5). ~~((Pursuant to RCW 36.94.150,))~~

(3) As provided in RCW 84.56.020(5), penalties shall be imposed upon ~~((delinquent))~~service charges, or portions thereof, that become delinquent under subsection (1) above as follows:

(a) A penalty of ~~((three))~~3 percent of the ~~((full annual charge imposed on property by SCC 25A.20.030, SCC 25A.20.034, SCC 25A.20.035, or SCC 25A.20.036))~~amount delinquent shall be ~~((assessed))~~imposed on any service charges, or portions thereof, that are delinquent on June 1st of the year in which the service charges are due.

(b) An additional penalty of ~~((seven))~~8 percent of the ~~((full annual charge))~~amount delinquent shall be ~~((assessed))~~imposed on any service charges, or portions thereof, that are delinquent on December 1st of the year in which the service charges are due. ~~((Notwithstanding these provisions, the total amount of penalties imposed under this section in any year shall not exceed 10 percent of the full annual charges imposed upon a particular property.))~~

~~((2))~~ The county shall have a lien for delinquent)

(4) As provided by RCW 84.60.010, service charges, or portions thereof, that become delinquent under subsection (1) above, including interest ~~((thereon, against any))~~and penalties, shall constitute a lien against the real property ~~((for which service charges are delinquent. As authorized by RCW 36.94.150, the director shall certify delinquencies to the County Auditor periodically at which time the lien shall attach. The County's))~~upon which they are imposed. As provided by RCW 84.60.020, such lien shall attach on the first day of January in the year in which the service charges are assessed and shall continue until the service charges, including any interest and penalties, are paid in full. The county's lien for delinquent service charges shall be superior to all other liens and encumbrances except general taxes and local and special assessments.

~~((3))~~(5) ~~((The))~~As provided in RCW 84.64.050, after the expiration of three years from the date on which service charges, or portions thereof, become delinquent under subsection (1) above, the county treasurer ~~((may))~~shall foreclose the ~~((lien in the same manner as the foreclosure of real property tax liens. Costs associated with the))~~liens arising pursuant to this section in the county's annual tax foreclosure action under chapter 84.64

RCW. Cost of collection and foreclosure ((of the lien, including but not limited to advertising, title report, and personnel costs,)) shall be ((added to)) included in the amount of the lien ((upon filing of the foreclosure action and the court may allow the county a reasonable attorney's fee, as provided in RCW 36.94.150)). Approval by the county council shall be required prior to any foreclosure action taken by the county treasurer which involves only delinquent charges under subsection (1) above. The department shall provide such approval to the county treasurer by February 1st of the foreclosure year. The department shall reimburse the county treasurer for the department's share of all costs incurred from collection and/or foreclosure under this section.

(6) When the county treasurer does not take foreclosure action pursuant to subsection (5) above, the director shall take any and all lawful means to collect the delinquent service charges, or portions thereof, that become delinquent under subsection (1) above. The amount collected shall include all accrued interest and penalties, as well as the costs of collection.

(7) Nothing herein shall be deemed to require the county treasurer to foreclose on a lien created hereunder in a manner that is more frequent or inconsistent with other lien foreclosure procedures and the costs related thereto.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009; Amended by Ord. 10-118, Jan. 12, 2011, Eff date Jan. 24, 2011; Amended by Ord. 13-069, Sep. 18, 2013, Eff date Oct. 3, 2013).

25A.20.125 Delinquent service charges imposed under the authority of chapter 90.72 RCW.

(1) Service charges imposed by this title under the authority of chapter 90.72 RCW that remain unpaid, in whole or in part, when due pursuant to SCC 25A.20.090 shall be considered delinquent.

(2) Service charges, or any portions thereof, which become delinquent under subsection (1) above shall bear interest at the rate of 12 percent per annum computed on a monthly basis from the date of delinquency until paid.

(3) Penalties shall be imposed on service charges, or portions thereof, that become delinquent under subsection (1) above as follows:

(a) A penalty of 3 percent of the amount delinquent shall be imposed on any service charges, or portions thereof, that are delinquent on June 1st of the year in which the service charges are due.

(b) An additional penalty of 8 percent of the amount delinquent shall be imposed on any service charges, or portions thereof, that are delinquent on December 1st of the year in which the service charges are due.

(4) The director shall take any and all lawful action to collect service charges, or portions thereof, that become delinquent under subsection (1) above. The amount collected shall include any accrued interest and penalty, as well as the costs of collection.

25A.20.130 Waiver of interest and penalties.

The director may waive interest and penalties on service charges, or portions thereof, which become delinquent under SCC 25A.20.120 (1) or SCC 25A.20.125 under any of the following conditions:

(1) As provided by RCW 84.56.025.

(2) When the property owner does not receive a service charge billing due to incorrect address information in county records.

(3) As part of a lawful collection action by the director upon consideration of the following criteria:

(a) The property owner's ability to pay;

(b) The ability of the county to collect the delinquency; and

(c) The cost to the department in collection efforts.

((25A.20.100))25A.20.140 Special operating funds.

(1) All service charges collected from the clean water ((districts))district under the authority of chapter 36.89 RCW shall be deposited in a ((subfund))sub-fund within the special fund established by SCC ((25.20.070))25.20.140 and held by the department of finance. This ((subfund))sub-fund shall be used for the purposes of providing water quality restoration and storm and surface water (water quantity) management ((activities))services.

(2) All service charges collected from the former clean water ((districts))district shall be deposited in a ((subfund))sub-fund within the special fund established by SCC ((25.20.070))25.20.140 and held by the department of finance. The funds collected from the former clean water ((districts))district shall be used only for purposes permitted by RCW 36.89.120.

(3) A special fund is hereby created, to be held by the department of finance, into which shall be deposited all service charges collected under the authority of chapter 90.72 RCW. ((The county executive shall designate a fund

manager.))These funds shall be used only for the purposes of restoring water quality in accordance with chapter 90.72 RCW.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Amended by Amended Ord 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

((25A.20.110))25A.20.150 Administrative procedures.

Pursuant to chapter 2.68 SCC, the director is authorized to develop administrative procedures relating to the provisions of this title.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

((25A.20.120 First charging day.

Repealed by Amended Ord. 09-120.))

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 04-101, Nov. 22, 2004, Eff date December 17, 2004; Repealed by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

**Chapter 25A.30
ADVISORY BOARD**

Sections:

- 25A.30.010 Applicability.
- 25A.30.020 Purpose.
- 25A.30.030 Authority and responsibility.
- 25A.30.040 Advisory board composition.
- 25A.30.050 Nominations, appointments, and terms.
- 25A.30.060 Organization.

25A.30.010 Applicability.

The requirements of this chapter shall apply to the clean water ((districts))district as defined in SCC ((25A.10.030))25A.10.025.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 04-101, Nov. 22, 2004, December 17, 2004; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

25A.30.020 Purpose.

Pursuant to RCW 90.72.030, the ((Stillaguamish River)) clean water district advisory board is hereby created. The board shall make recommendations to the Snohomish ((county department of public works))County Department of Public Works and the Snohomish ((county council))County Council, the Snohomish ((conservation district))Conservation District and its board, and any other agency or entity obligated by interlocal agreement or contract to provide water quality restoration and storm and surface water (water quantity) management services within the ((Stillaguamish River)) clean water district, and any diking, drainage, or flood control district within the ((Stillaguamish River)) clean water district with an annual surface water pollution prevention work plan approved by the director. However, nothing in the advisory board's recommendation shall prevent the director from developing his/her own recommendation to the county council.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 04-101, Nov. 22, 2004, Eff date December 17, 2004; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

25A.30.030 Authority and responsibility.

The ((Stillaguamish River)) clean water district advisory board shall review the annual work plans of the surface water division of the Snohomish county public works department, each agency or entity obligated by interlocal agreement or contract to provide water quality restoration and storm and surface water (water quantity) management services within the ((Stillaguamish River)) clean water district, and each diking, drainage, or flood control district within the ((Stillaguamish River)) clean water district with an annual surface water pollution prevention work plan approved by the director. The board shall make its recommendations to the above entities by May 31st of each year and to the respective legislative authorities by October 31st of each year. Recommendations shall pertain to the funding levels and priorities of all water quality restoration and storm and surface water (water quantity) management programs, water ((pollution control))quality management facilities, water quality restoration

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~~((activities))services, ((stormwater control))storm and surface water management facilities, and storm and surface water (water quantity) management ((activities))services within the ((Stillaguamish River)) clean water district.~~

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 04-101, Nov. 22, 2004, Eff date December 17, 2004; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009).

25A.30.040 Advisory board composition.

(1) The ~~((Stillaguamish River))~~ clean water district advisory board shall ~~((include))~~ be composed of:

(a) Five positions which shall be for property owners of the clean water district who are rate payers from the single family rate category. One of each such position shall be from each of the geographic areas listed in SCC 25A.10.025(1) and one position such position shall be from the shore of any lake within the clean water district. If an insufficient number of applicants are available for board membership using this selection method, the director shall recommend for appointment any interested and qualified resident from the single family rate payer category((
Each of the following subwatersheds or geographic areas shall be represented: Lakes, North Fork Stillaguamish and tributaries, South Fork Stillaguamish and tributaries, Mainstem Stillaguamish and tributaries, and unincorporated UGA)).

(b) One position which shall be for a property owner, or their designated representative, of the clean water district who is a rate payer from the farm rate category.

(c) One position which shall be for a property owner, or their designated representative, of the clean water district who is a rate payer from any one of the ((retail, industrial, or other land))commercial, non-residential and other use rate categories.

(d) The Stillaguamish ~~((flood control district))~~Flood Control District and ~~((drainage district seven))~~Drainage and Diking Improvement District #7 shall each be entitled to one position to be filled by a representative of the district.

(e) Three positions which shall be for board members ((residential ratepayers))at large meeting the requirements of SCC 2.03.060(3).

(f) Each city adjoining the ~~((Stillaguamish River))~~ clean water district that has an interlocal agreement with the county for cooperation on water resource issues shall be entitled to one position for a city representative.

(g) One position ~~((each))~~ for a representative from each of the following: the Stillaguamish Tribe, the Tulalip Tribes, the Washington ((state department of fisheries))State Department of Fish and Wildlife, and the Snohomish ((conservation district))Conservation District.

(h) ~~((The))~~One position for a Snohomish ~~((health district))~~Health District representative.

(i) One position for a Washington ((state department of ecology))State Department of Ecology representative.

(2) Staff members representing agencies receiving district funds as specified in SCC ~~((25A.20.030(3)))~~25A.20.020(3) shall be present at all board meetings.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 04-101, Nov. 22, 2004, Eff date December 17, 2004; Amended by Amended Ord. 09-120, Dec. 16, 2009, Eff date Dec. 28, 2009;

Amended by Ord. 12-019, May 2, 2012, Eff date May 13, 2012).

25A.30.050 Nominations, appointments, and terms.

(1) The director shall develop a pool of applicants for the rate payer and at large positions by advertising vacancies in the county's newspaper of record. The director is encouraged to use other reasonable means to recruit other interested applicants. The director shall recommend and the county executive shall nominate candidates for the rate payer and at large positions.

(2) Each agency or entity shall ~~((nominate))~~submit at least one candidate from its organization to the director. The director shall recommend and the county executive shall nominate candidates for the agency and entity positions.

(3) The Snohomish county council shall confirm or reject board members nominated by the county executive in accordance with Snohomish county charter section 2.20(6). ~~((Each term shall be for four years. Board members may serve a maximum of three consecutive terms and until their successors as appointed))~~Terms shall be in accordance with SCC 2.03.050.

(Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002; Ord. 04-101, Nov. 22, 2004, Eff date December 17, 2004).

25A.30.060 Organization.

At its first meeting and annually thereafter, the board shall organize by electing a chairperson and vice chairperson, each to serve for one year. The board shall adopt bylaws to govern its other internal affairs.

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1 (Added Ord. 01-130, January 9, 2002, Eff date January 28, 2002).

Exhibit 3

Properties Subject to Lake Management Service Charges SCC 25.20.060

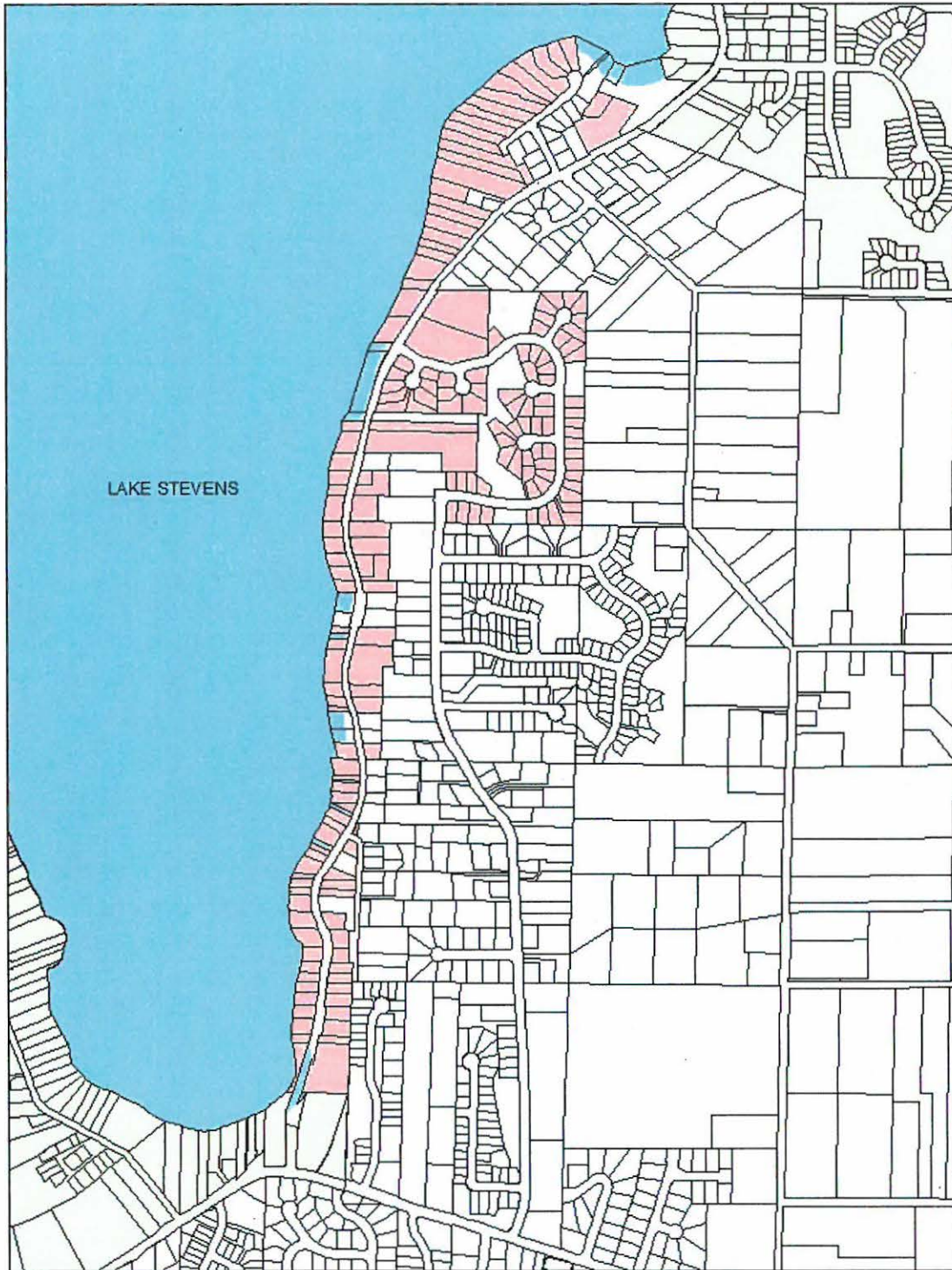


Exhibit 4

Properties Subject to Aquatic Plant Service Charges SCC 25A.20.050



Exhibit 5

Properties Subject to Lake Ketchum Restoration Service Charges SCC 25A.20.060

